

# YATES TOWNSHIP PLANNING COMMISSION

## Camping Ordinance Information Packet (Amended for August 28, 2023 meeting)

The Yates township Planning Commission and the Yates Township Board are in the process of amending the Zoning Ordinance covering camping and related activities.

This packet contains

- A copy of the current Camping Ordinance (1972).
- The base ordinance language proposed by the Yates Township Board
- A set of 3 maps – a map referred to as Idlewild as part of the ordinance proposed from the Yates Township Board, the current Yates Township Zoning Map showing Zoning Districts, and the Idlewild National Historic registry maps.
- A set of ordinances with a similar structure to that proposed by the Board which contain necessary associated ordinance changes that may be relevant. These are from Arundel, MA ordinances.
- The Yates Township Police Power Ordinance 22-01.
- Summaries from public input sessions.

For Yates Township basic Zoning Ordinances by Zoning District please refer to YATES TOWNSHIP, MICHIGAN CODE OF ORDINANCES, CHAPTER 154: ZONING CODE. That can be accessed from the Yates Township Clerk or the Township web site at <http://www.yatestownship.com>.

We will received public input at sessions on June 3, 2023 and June 29, 2023.

This information packet may be picked up from the Clerk at the Yates Township Hall or downloaded at <http://yatestownship.com/docs/COIP.pdf>.

YATES TOWNSHIP PLANNING COMMISSION  
Camping Ordinance Information Packet

Current Camping Ordinance (1972)

- (1) Is conducted entirely within a dwelling without being evident from the street or from neighboring premises;
  - (2) Does not change the character of the building in which it is conducted;
  - (3) Is carried on only by the residents of the dwelling plus not more than one non-resident;
  - (4) Employs only mechanical equipment which is similar in power and type to that used for household purposes and which does not affect the insurance rates on the premises;
  - (5) Small signs which relate to such home occupations may be displayed;
  - (6) Devotes not more than 25% of the floor area of one floor to the home occupation; and
  - (7) Does not involve keeping a stock in trade, the sale of commodities on the premises, and does not constitute a retail business.
- (Ord. passed 5-2-1972)

#### **§ 154.020 HEIGHT EXCEPTIONS.**

(A) *All districts.* The heights requirements of all districts, may be exceeded by parapet walls not more than four feet in height, chimneys, silos and barns for farm usage, and storages, roof-mounted television antennas, cupolas, spires, ornamental projections or water towers.

(B) *Industrial districts.* In the industrial districts, chimneys, cooling and fire towers, elevator buildings and bulkheads, roof storage tanks and other accessory necessary structures are permitted provided they are adjoining property.

(Ord. passed 5-2-1972)

#### **§ 154.021 INSTITUTIONAL USES.**

(A) The Planning Commission shall review and approve a site development plan prior to the issuance of building permits.

(B) Institutional uses may be located in any district if a site development plan is approved.

(Ord. passed 5-2-1972)

#### **§ 154.022 MOBILE HOMES, HOUSE TRAILERS AND CAMPERS.**

(A) *Unlawful.* It shall be unlawful for any person to park or cause to be parked any mobile home, house trailer, motor home, travel trailer, truck camper, camping trailer, tent or a similar unit on any street or public place or to use the same as a dwelling, either temporarily or permanently, or for overnight stops outside a licensed mobile home court, except as provided in divisions (B) and (C) below.

(B) *Guest permits.* Except in licensed and approved mobile home courts, no unit specified in division (A) shall be used for dwelling purposes for more than seven consecutive days in any one year without a permit therefor from the Building Inspector. A permit shall be issued only after submission of proof satisfactory to the Building Inspector showing that a proper

toilet and sanitary facilities are available for use of the occupants, no fire hazard will be created and that no overcrowding will result from the use at the proposed location. The permit shall be valid only for the location designated thereon and for a period of not to exceed 14 days. A fee of \$5 for each unit shall be paid at the time of application for the permit. The permit may be revoked by the Building Inspector if the above requirements are not maintained.

(C) *Limited permit while building.* Units, other than tents, specified in division (A) may be used for dwelling purposes during construction of a dwelling only after a permit therefor has been secured from the Building Inspector. No permit shall be issued until plans and specifications have been submitted to the Building Inspector evidencing the intention of the applicant to build a dwelling and a building permit has been issued therefor. The applicant shall comply with all of the requirements of this section. The duration of the temporary dwelling authorization shall be at the discretion of the Building Inspector.

(1) All units 20 feet or more in length used for dwellings purposes shall have two exits spaced a sufficient distance apart to ensure a means of escape in case of fire.

(2) No unit may be used for dwelling or sleeping purposes by a greater number of persons than it is designed to safely accommodate.

(3) No unit shall be parked in the front yard of any lot. Any unit parked in a side or rear yard shall observe the yard requirements of this chapter.

(4) Except in mobile home courts or where permitted by this section, the units described in division (A) are neither dwelling units nor accessory uses.

(Ord. passed 5-2-1972) Penalty, see § 154.999

#### **§ 154.023 MOVING OF STRUCTURES.**

The moving of a structure shall be considered the erection of a new structure. All provisions relative to the erection of new structures shall be met. A performance bond of \$1,000 may be required by the Township Board prior to the moving.

(Ord. passed 5-2-1972)

#### **§ 154.024 MULTIPLE USES OF BUILDING.**

Where any part of any building is used for residential purposes and the remainder thereof is used for any non-residential purposes, the part occupied as a dwelling shall conform to all requirements of the R-L district. Land or buildings used for non-residential purposes shall be excluded in determining whether the requirements for the residential use are met.

(Ord. passed 5-2-1972)

#### **§ 154.025 PARKING VEHICLES.**

Parking or storage of commercial vehicles exceeding a rated capacity of one and one-half tons is prohibited in all residential districts.

(Ord. passed 5-2-1972) Penalty, see § 154.999

drawings; purchase of land, leases or materials, or the moving of earth are excluded from that term. The Board of Appeals shall determine procedures specified in § 154.085.

(C) No structural alterations shall be made unless required by law or in furtherance of the public health, safety and general welfare.  
(Ord. passed 5-2-1972)

#### **§ 154.054 RESTORATION AND REPAIR.**

(A) Only repairs and maintenance work required to keep non-conforming structures in sound condition may be made.

(B) Structure damaged by the elements, public enemy or other casualty may be rebuilt or restored. The cost of rebuilding may not exceed one-half the value of the structure, before damage. The Building Inspector and Township Supervisor shall make the determination.

(C) No non-conforming structure shall be rebuilt or reconstructed if the cost thereof exceeds the formula established in division (B) until the Board of Appeals has made the following determination:

(1) The rebuilding or restoration will not substantially extend the probable duration of the non-conforming use; or

(2) The circumstances are such that the structure previously occupied by the non-conforming use cannot then be advantageously used for a use permitted in the district in which it is situated.

(D) All repairs shall be commenced within one year from the time of the casualty. A building permit shall be first obtained.  
(Ord. passed 5-2-1972)

### **DISTRICTS; REGULATIONS**

#### **§ 154.065 A AGRICULTURAL DISTRICT.**

(A) *Description and purpose.* This district is intended for agricultural uses, low-density single-family residential uses and specialized rural uses requiring large areas of land.

(B) *Uses permitted:*

(1) One-family homes;  
(2) General and specialized farming, together with dwellings and structures accessory thereto;

(3) Fisheries and hatcheries;

(4) Roadside stands for the sale of produce grown on the premises;

(5) Country clubs, golf courses and riding stables; and

(6) **Mobile home courts as an exceptional use and as regulated in §**

**154.072(K).**

(C) *Height regulations.* No building shall exceed a height of two and one-half stories or 35 feet, whichever is lesser.

fencing, screening, landscaping, yards, parking, location of structures and time limitations be imposed.

(E) *Determination by the Board of Appeals.*

(1) The Board of Appeals shall determine the proper disposition of the application following the receipt of the recommendations of the Zoning Board and the public hearing.

(2) The Board of Appeals shall consider the following in making its determination:

(a) The proposed use should prepare the premises for ultimate use within a reasonable period of time;

(b) The proposed use may not adversely affect existing uses;

(c) The proposed use shall meet all provisions of this section; and

(d) The proposed use shall not adversely affect the public health, safety or general welfare.

(F) *Special conditions.* The Board of Appeals may impose the special conditions as it deems necessary to carry out the intent of this chapter prior to granting approval of any application. The recommendations impose a reasonable corporate surety bond to ensure compliance with this section.

(G) *Authorization.* Upon approval of the application the Building Inspector shall issue permits for a one-year period.

(H) *Renewal of permits.*

(1) The Board of Appeals may renew any permit if it finds at a public hearing that all conditions and plans have been met.

(2) The procedure for a new application shall be followed in any application for a renewal permit in which any new area is to be developed.

(3) An occupancy permit may be renewed for three years or for the duration of an approved bond, whichever is the lesser.

(I) *Revocation of permit.* The Building Inspector may recode an occupancy or use permit if operations do not conform to approved plans. In that case, operations shall cease 14 days after notice by certified mail has been received by the violator if the condition has not been corrected. A new application and approval thereof shall be required to reinstate a revoked permit.

(J) *Sanitary landfills.* Sanitary landfills for the deposit of rubbish, garbage or wastes are permitted if the use will prepared land for an ultimate use. Application for sanitary landfills shall be approved by the appropriate county authorities and meet all county and state requirements.

(K) *Mobile home courts.* Mobile home courts may be permitted in the district provided the Board of Appeals finds that all of the following conditions are met.

(1) Each mobile home court shall be in single ownership and shall consist of at least 50 mobile home sites.

(2) A 50-foot landscaped front yard shall be provided and maintained.

(3) A 30-foot greenbelt shall be provided on side and rear yards.

(4) Common sewer and water facilities shall be provided for each mobile home site. The Board of Appeals may permit the use of a lagoon treatment plant, or a mechanical treatment plant meeting state and county standards, the use of drain fields, septic tank systems or similar disposal systems are prohibited.

(5) All utility services shall be located underground.

Yates Township, MI Code of Ordinances

(6) All mobile home sites shall face on internal paved streets approved by the Township Board. The mobile home court shall have two paved accesses to a major arterial street and not have an access on a minor residential street.

(7) No mobile home site shall be less than 4,000 square feet in area. No mobile home site shall be less than 45 feet in average width.

(8) Mobile homes shall be located upon an approved mobile home site. Mobile homes shall be at least 15 feet from the front and rear width. No side yard shall be less than five feet in width.

(9) Mobile homes shall have at least 600 square feet of floor area.

(10) Structures permitted in this district shall be subject to the height limitations of the A district.

(11) The mobile home court shall be landscaped and regularly maintained and shall conform to all state regulations. At least 10% of the mobile home court shall be devoted to not more than two landscaped parks for the residents of the court. No required yard shall be computed as part of the landscaped park.

(12) Sites for transient trailers, mobile homes, or camping accommodations may be provided within a mobile home court for temporary stays not to exceed two consecutive weeks. The requirements of subsections (7) and (9) above shall not apply to the trailers, with common restrooms and water supply. Common sewage facilities shall be provided for sewage wastes.

(13) The sale of new or used mobile homes is permitted only upon an approved mobile home site.

(14) In carrying out the provisions of this section, the Planning Commission shall ascertain that the location and arrangement of sites and improvements will provide safe and desirable living accommodations for the occupant.

(15) Site development plan. A site development plan is required in accordance with § 154.030.

(16) Building permits for mobile home courts shall only be issued for sites to be constructed within 12 months from the date of issuance of the building permit.

(17) Where a mobile home court abuts an R district or dwelling an additional 20 feet of landscaped side and rear yards adjacent to the district or dwelling is required in addition to the minimum side and rear yard requirements set forth in this section.

(L) *Apartments.*

(1) Apartments may be permitted in the R-C district provided the Board of Appeals finds that all of the following conditions are met.

(a) No apartment building shall contain more than 12 dwelling units.

(b) Every apartment shall be connected to a common sanitary sewer service and water supply.

(c) Every principal entry shall be visible from a public street. No entrance shall be located more than 300 feet from a street. Every building shall be located within 150 feet of an off-street parking area.

(d) Group buildings: groups of apartment buildings shall be in single ownership and shall be located on one parcel of land. Where more than one building is located on a lot, no building shall be located in front of the main entrance wall of another building unless separated by a common yard of at least 40 feet. A front yard of 35 feet shall be required. No building shall be located in back of another unless separated by a common yard of at least 100

YATES TOWNSHIP PLANNING COMMISSION  
Camping Ordinance Information Packet

Camping and Trailer Ordinance proposed by the  
Yates Township Board



**YATES TOWNSHIP  
LAKE COUNTY, MICHIGAN  
CAMPING AND TRAILER ORDINANCE  
(Ordinance No.21-\_\_)**

**Camping Trailers and Temporary Occupancy Ordinance**

At a regular meeting of the Township Board for Yates Township held at the Township offices within the Township on \_\_\_\_\_, 2021, at 5:00p.m., the following Ordinance was offered for adoption by Township Board Member \_\_\_\_\_ and was seconded by Township Board Member \_\_\_\_\_:

**THE TOWNSHIP OF YATES (THE “TOWNSHIP”) ORDAINS:**

**SECTION I: PURPOSE**

The purpose and intent of this Ordinance is to ensure that the temporary occupancy of campers recreational vehicles, tents and other temporary living quarters within the Township of Yates shall be used and conducted in a safe and clean manner that protects the public health and safety, ensures the safe and legal disposal of human waste and wastewater, restricts the use of non-standard electrical power sources and portable heating devices, protects surface and subsurface water quality, minimizes fire exposures and overcrowding, preserves property values and prohibits the creation and use of substandard permanent housing stock.

**SECTION II: DEFINITIONS**

For the purpose of this Ordinance, the following definitions shall apply:

**CAMPER: Means any of the following:**

- A. Camping trailer.
- B. Motor home.
- C. Tent.
- D. Pop-up trailer.
- E. Recreational vehicle.
- F. Truck camper.
- G. Any vehicle, portable apparatus, trailer or similar item used for camping or overnight temporary occupancy.

**CAMPGROUND:** A lawful facility or improved area for camping or staying overnight with individual improved sites for campers, tents, trailers, and/or recreational vehicles, which is either open to the general public for a fee or is operated by a *bona fide* nonprofit organization, association, benevolent organization, church, or similar organization. Campgrounds must comply with the Yates Township Zoning Ordinance and state laws.

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(August 6, 2021)

**POP-UP TRAILER:** A trailer or type of camper constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

**CAMPING TRAILER:** A trailer equipped for temporary occupancy or a wheeled apparatus that can be pulled by a vehicle and is equipped for temporary occupancy or camping.

**MOTOR HOME:** A motor vehicle designed to provide temporary living quarters for recreational, camping or travel use that contains at least (4) four of the following as permanently installed systems that meet the National Fire Protection Association standard for recreational vehicles:

- A. A cooking facility with an on-board fuel source or use with electricity.
- B. A potable water supply system that includes at least a sink, a faucet and a water tank with an exterior service supply connection.
- C. A toilet with exterior evacuation.
- D. A gas or electric refrigerator.
- E. A heating or air-conditioning system with an on-board power or fuel source separate from the vehicle engine,
- F. A 110-volt to 125-volt electric power supply.

**PERSON:** Means a natural person, partnership, association, corporation, limited liability corporation, and all other entities and bodies (corporate or public).

**RECREATIONAL VEHICLE:** "Recreational vehicle" means a vehicle that is either self propelled or towed by a consumer-owned tow vehicle, is primarily designed to provide temporary living quarters for recreational, camping or travel use, complies with all applicable federal vehicle regulations and does not require special highway movement permits to legally use the highways. "Recreational vehicle" includes motor homes, travel trailers, fifth-wheel trailers and folding camping trailers.

**Sewage:** Sewage shall mean all liquids and water waste from sinks, bathing, washing, and toilet facilities.

**STRUCTURE:** Anything constructed or erected (even if portable or temporary), the use of which requires a fixed location on or in the ground, or an attachment to something having fixed location on or in the ground, excluding sidewalk, field or garden walls, fences, flagpoles, driveways, and parking lots. All structures shall be subject to the YATES TOWNSHIP ZONING ORDINANCE and building codes.

**TEMPORARY HUMAN HABITATION:** The occupation or inhabitation of a camper – camping trailer, motor home, tent, recreation vehicle or other nonpermanent structure or item for a period of time not to exceed the limits set forth in this Ordinance.

**TEMPORARY SHELTER:** A physical temporary shelter having form and substance, including, but not limited to floor, walls, windows, doors and/or a roof, which is not

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permanently affixed to a foundation and whose supplies of potable water, sewage disposal and electrical current, among other utility services, are not permanently attached or incorporated into the design of the structure in accordance with applicable state or local codes.

**TEMPORARY CAMPING VEHICLES:** Shall mean a “Camper”, a “Camping Trailer”, a “Motor Home”, a “Recreational Vehicle”, or a bus, truck trailer, or other motor vehicle that has been converted to accommodate sleeping or living quarters. In order to be considered as a recreational vehicle and not as a structure, the vehicle or item must remain with its tires on the ground, and must be able to be registered with a state division of motor vehicles or similar agency, unless it is a park model located within a lawful private or public camp ground.

**TOWNSHIP:** Shall mean the Township of Yates.

**TRUCK CAMPER:** A portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a truck.

### **SECTION III: OCCUPANCY AND USE LIMITATIONS**

#### 3.1 Campers may be parked or stored outdoors when not in use on private property within the Township, provided that all of the following requirements are met:

1. Such campers are not used for living or sleeping purposes during the time they are being stored or parked on the property.
2. The stored or parked camper does not constitute a nuisance to the public or a fire hazard.
3. The parking or storage of the camper is in compliance with the Yates Township Zoning Ordinance.
4. Where practicable, the camper shall be stored inside a lawful building or outdoors on the property so as not to be seen from any private or public road when not being actively or lawfully used.
5. Campers cannot be stored on vacant property and must be removed from the property by December 15.

#### 3.2 Limitations on Occupancy:

1. *Residential Properties:* Persons may occupy a camper located on a residential property for a period not to exceed one hundred and twenty (120) days in total within a calendar year, provided that all of the following requirements are met:

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- a. The occupants are not charged a fee for use of the camper.
- b. Persons occupying the permanent dwelling on the property have granted permission to the camper occupants to use the dwelling's toilet and washing facilities.
- c. No more than three (3) campers are so occupied on the property during any calendar year.
- d. Camping is not allowed on any property less than four (4) lots or 10,000 square feet.
- e. No camper shall be used for habitation, sleeping or being lived from December 15 through the following April 1.

## 2. *Properties within Idlewild Proper:*

There will be no camping allowed within the following perimeters:  
US10 to E Michigan St & E Louisville and  
S Foreman Rd and S Broadway Rd

- a. This is a grandfather clause for persons who now camp in Idlewild Proper, within the perimeters mentioned above. Once the property changes hands or is sold the grandfather clause no longer applies.

## 3.3 Special Events:

In order to accommodate family reunions, weddings, carnivals, community festival, and other special events involving fewer than 125 attendees, the Township Board may grant permission for persons to exceed the use and density Limitations of Section 3.2 of this Ordinance, subject to the following limitations:

1. *Maximum Duration:* No special event shall exceed a five (5) day duration, nor shall a single parcel or lot host more than two (2) such special events during any calendar year.
2. *Sanitary Facilities:* Landowners shall provide adequate and fully operable sanitary facilities in the form of "Port-A-Potties", portable restrooms, and wash facilities to accommodate the projected demand as determined by the District #10 Health Department Code and the Yates Township Ordinance Enforcement Officer.
3. *Mass Gathering Permit:* In instances where special events may attract more than 125 attendees, the issuance of a Yates Township Mass Gathering Permit is required.
4. *Additional Conditions:* The Township Board may impose reasonable fees and conditions on any approval to this Section 3.3.

3.4 Licensing and Code Requirements:

1. *Licenses:* All campers shall be maintained in reasonable repair and appearance and road-worthy condition at all times. All campers shall have all required current street and other licenses. **All campers must register and purchase a camping permit from the township before setting up camping. Camping permits are valid for 120 days during a calendar year between April 1 and December 15. An extension of 30 days is available with the purchase an additional permit during the calendar year.**
2. *Retention of Wheels:* The wheels or similar devices for transportation of any camper shall not be removed except for repairs lasting no more than ten (10) days.
3. *Temporary Structures:* Any camper on a fixed foundation on the ground or a recreational vehicle with its wheels removed shall be deemed to be a permanent structure and subject to all of the standards of the Yates Township Zoning Ordinance for dwellings, the building codes, and the District #10 Health Department requirements.

3.5 Temporary Shelters are Prohibited:

Temporary shelters (other than lawful campers) are prohibited.

**SECTION IV: SEWAGE**

The occupancy of campers shall be subject to all of the following sanitary standards:

4.1 Camper Vehicle Holding Tanks:

No toilet, sink, shower, or plumbing fixture contained in a camper shall be used unless it is in good working condition and discharged into a holding tank built into the camper. Holding tanks integral to the camper must be emptied regularly by discharging their contents into a lawful campground dumping station or other lawful dumping station by delivering the contents to a wastewater hauler for lawful disposal.

4.2 Storage of Sewage in Auxiliary Containers:

Sewage and wastewater shall not be discharged into or stored in auxiliary buckets or containers external to a camper.

4.3 Illegal Sewage Discharge:

No Sewage or wastewater from a camper shall be discharged into pits or privies, onto the surface of the ground, or into surface waters (including wetlands, streams or other bodies of water).

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#### 4.4 Special Events Sanitation:

Sanitary facilities provided for special events approved by the Yates Township Board shall meet the standards of Subsection 3.3 (2) of this Ordinance.

### **SECTION V: EXEMPTIONS**

The following uses shall be exempt from the occupancy and use requirements of this Ordinance:

5.1 Campgrounds: Any lawful camper located in a lawful public or private campground approved by the Township and in conformance with the standards of the Yates Township Zoning Ordinance.

5.2 Private Individual Campsites: As defined and used in conformance with the standards of the Yates Township Zoning Ordinance, and for which a Township zoning permit or approval has occurred. Any campers thereon are still subject to this Ordinance.

5.3 Backyard Tents and Tree Houses: Located on a residential lot and used primarily and sporadically for overnight accommodations by the occupants of the principal dwelling on the same parcel. However, such items shall not be inhabited for overnight use more than 20 days per calendar year.

### **SECTION VI: VIOLATIONS AND PENALTIES**

6.1 a Violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any amendment thereof, of any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "Subsequent offense" means a violation of the provisions of this Ordinance committed by the same owner or person within twelve (12) month of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible.

6.2 Each day during which any violation continues shall be deemed a separate offense,

6.3 The prohibitions and penalties of this Ordinance shall apply not only to the landowner or owners and to any person, firm, entity, corporation or association who or which does anything prohibited by this Ordinance and those who aide and abet such acts, but also to any owner, co-owner, lessee, tenant, licensee, part-owner, occupant or person, firm,

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corporation, or entity owning or having control of any premises or property in violation of this Ordinance.

6.4 In addition to the above remedies, the Township or any person may institute a civil lawsuit to abate any violation of this Ordinance. Any violation of this Ordinance is a nuisance *per se*. The Township's remedies are cumulative and not exclusive.

**SECTION VII: SEVERABILITY**

Each portion of this Ordinance shall be deemed to be severable. Should any article, section, subsection, paragraph, subparagraph, sentence, or clause of this Ordinance ever be declared by a court of competent jurisdiction to be unconstitutional or invalid in whole or in part, that holding shall not affect the validity of this Ordinance, other than that part declared to be unconstitutional or invalid.

**SECTION VIII: EFFECTIVE DATE**

This Ordinance shall become effective upon the expiration of thirty (30) days after this Ordinance or a summary thereof appears in the newspaper as provided by law.

The vote to adopt this Ordinance was as follows:

YEAS: \_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_  
\_\_\_\_\_

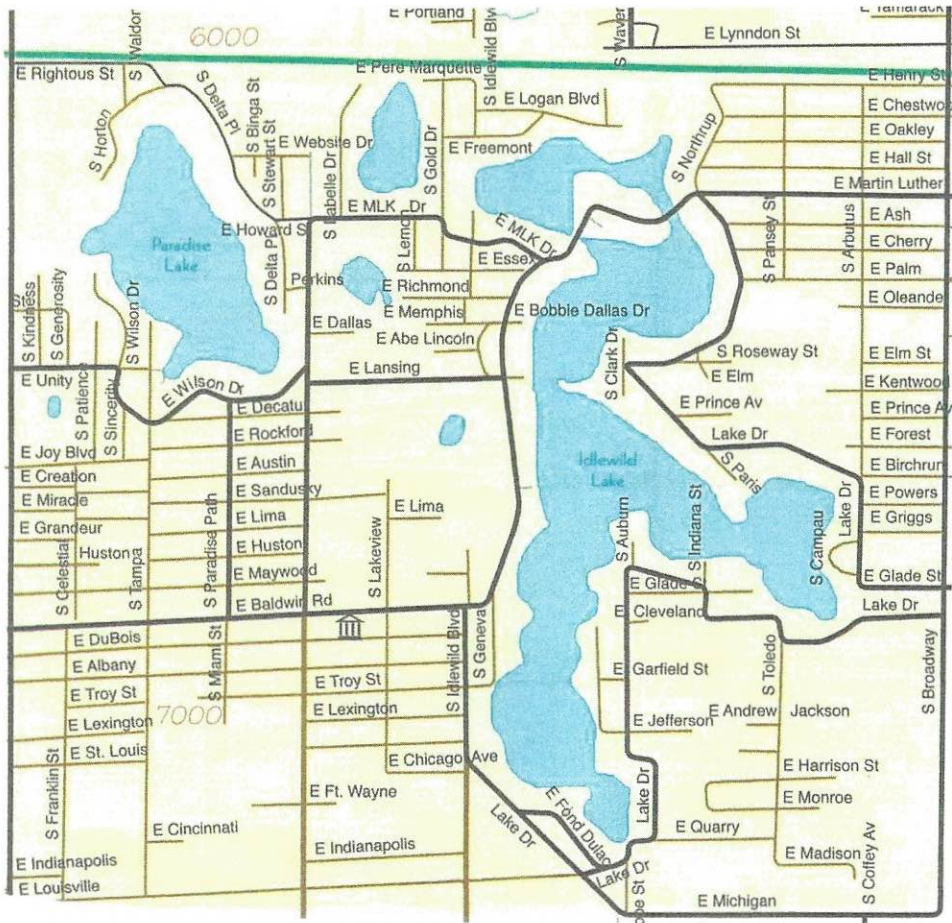
ABSENT/ABSTAIN: \_\_\_\_\_

THIS ORDINANCE IS DECLARED TO BE DULY ADOPTED.

**CERTIFICATION**

I hereby certify the above is a true copy of the Ordinance adopted by the Township Board for Yates Township as of the date, time and place as specified above, pursuant to the required statutory procedures.

\_\_\_\_\_  
Romaine Hollis-Raines  
Yates Township Clerk





YATES TOWNSHIP PLANNING COMMISSION  
Camping Ordinance Information Packet

Yates Township Ordinance No. 22-01  
Camping Trailers and Temporary Occupancy  
Ordinance (2022)

**YATES TOWNSHIP  
LAKE COUNTY, MICHIGAN  
(Ordinance No. 22-01)**

**Camping Trailers and Temporary Occupancy Ordinance**

At a rescheduled regular meeting of the Township Board for Yates Township held at the Township offices within the Township on July 28, 2022, at 5:00 p.m., the following Ordinance was offered for adoption by Township Board Member Jacqueline Patterson and was seconded by Township Board Member Barbara McGregory:

THE TOWNSHIP OF YATES (THE "TOWNSHIP") ORDAINS:

**SECTION 1: PURPOSE**

*The purpose and intent of this Ordinance is to ensure that the temporary occupancy of campers, recreational vehicles, camping trailers, tents and other temporary living quarters within the Township of Yates shall be used and conducted in a safe and clean manner that protects the public health and safety, ensures the safe and legal disposal of human waste and wastewater, restricts the use of non-standard electrical power sources and portable heating devices, protects surface and subsurface water quality, minimizes fire exposures and overcrowding, preserves property values and prohibits the creation and use of substandard permanent housing stock.*

**SECTION II: DEFINITIONS**

For the purpose of this Ordinance, the following definitions shall apply:

CAMPER: Means any of the following:

- A. Camping trailer.
- B. Motor home.
- C. Tent.

- D. Pop-up trailer.
- E. Park trailer.
- F. Recreational vehicle.
- G. Truck camper.
- H. A bus or van designed, used for camping or habitation.
- I. Any vehicle, portable apparatus, trailer or similar item used for camping or overnight sleeping or temporary occupancy.

CAMPGROUND: A lawful facility or improved area for camping or staying overnight with individual improved sites for campers, tents, trailers, and/or recreational vehicles, which is either open to the general public for a fee or is operated by a *bona fide* nonprofit organization, association, benevolent organization, church, or similar organization. Campgrounds must fully comply with the Yates Township Zoning Ordinance and state laws.

POP-UP TRAILER: A trailer or type of camper constructed with collapsible partial side walls that fold or retract for towing by another vehicle and unfold or unretract at the campsite to provide temporary living quarters for recreational, camping or travel use.

CAMPING TRAILER: A trailer equipped for temporary occupancy or a wheeled apparatus that can be pulled by a vehicle and is equipped for temporary occupancy or camping.

MOTOR HOME: A motor vehicle designed to provide temporary living quarters for recreational, camping or travel use that contains at least four of the following as permanently installed independent systems that meet the National Fire Protection Association standard for recreational vehicles:

- A. A cooking facility with an on-board fuel source or use with electricity.

- B. A potable water supply system that includes at least a sink, a faucet and a water tank with an exterior service supply connection.
- C. A toilet with exterior evacuation.
- D. A gas or electric refrigerator.
- E. A heating or air-conditioning system with an on-board power or fuel source separate from the vehicle engine.
- F. A 110-volt to 125-volt electric power supply.

PARK TRAILER OR PARK MODEL TRAILER: A structure or trailer not exceeding 400 square feet in area, and transported by and off loadable from a trailer designed with connections to site utilities necessary for the operation of installed fixtures and appliances. A "Park Trailer" is classified as a camper or recreational vehicle and not as a mobile home.

PERSON: Means a natural person, partnership, association, corporation, limited liability corporation, firm, and all other entities and bodies (corporate or public).

RECREATIONAL VEHICLE: "Recreational vehicle" means a vehicle that is either self-propelled or towed by a consumer-owned tow vehicle, is primarily designed to provide temporary living quarters for recreational, camping or travel use, complies with all applicable federal vehicle regulations and does not require special highway movement permits to legally use the highways. "Recreational vehicle" includes motor homes, campers, park trailers, camping vans, travel trailers, fifth-wheel trailers and folding camping trailers.

SEWAGE: Sewage shall mean all liquids and water waste from sinks, bathing, washing, and toilet facilities.

STRUCTURE: Anything constructed or erected (even if portable or temporary), the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on or in the ground, excluding sidewalks, field or garden walls, fences, flagpoles, driveways, and parking lots. All structures shall be subject to the Yates Township Zoning Ordinance and the building codes.

TEMPORARY HUMAN HABITATION: The occupation or inhabitation of a camper, camping trailer, motor home, tent, park trailer, recreation vehicle or other nonpermanent structure or item for a period of time not to exceed the limits set forth in this Ordinance.

TEMPORARY SHELTER: A physical temporary shelter having form and substance, including, but not limited to floor, walls, windows, doors and/or a roof, which is not permanently affixed to a foundation and whose supplies of potable water, sewage disposal and electrical current, among other utility services, are not permanently attached or incorporated into the design of the structure in accordance with applicable state or local codes.

TEMPORARY CAMPING VEHICLES: Shall mean a "Camper", a "Camping Trailer", a "Motor Home", a "Recreational Vehicle", a "Park Model Trailer", or a bus, van, truck trailer, or other motor vehicle that has been converted to accommodate sleeping or living quarters. In order to be considered as a recreational vehicle and not as a structure, the vehicle or item must remain with its tires on the ground, and must be able to be registered with a state division of motor vehicles or similar agency, unless it is a park model located within a lawful private or public campground.

TOWNSHIP: Shall mean the Township of Yates.

TRUCK CAMPER: A portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a truck.

ZONING ADMINISTRATOR: The Yates Township Zoning Administrator.

### **SECTION III: OCCUPANCY AND USE LIMITATIONS; PERMITS**

#### **3.1 Storage of Temporary Camping Vehicles:**

Campers may be parked or stored outdoors when not in use on private property within the Township, provided that all of the following requirements are met:

1. Such campers are not used for living or sleeping purposes during the time they are being stored or parked on the property.
2. The stored or parked camper does not constitute a nuisance to the public or a fire hazard.
3. The parking or storage of the camper is in compliance with the Yates Township Zoning Ordinance.
4. Where practicable, the camper shall be stored inside a lawful building or outdoors on the property so as not to be seen from any private or public road when not being actively or lawfully used.
5. A camper shall not be parked or stored outdoors on a vacant lot or parcel (i.e. on a lot or parcel without a habitable house, dwelling or cottage thereon) for longer than 90 days during any calendar year.
6. All sewage shall be completely removed from the tanks or reservoirs if parked or stored for longer than 60 days and shall be lawfully disposed of off-site.

### 3.2 Limitations on Occupancy:

1. *Residential Properties:* Persons may occupy a camper located on a specific residential property for a period not to exceed seven (7) days in total within a calendar year without an annual Township permit and for up to an additional twenty-one (21) days in total within a calendar year with an annual Township permit, provided that all of the following requirements are met:

- a. The occupants are not charged a fee for use of the camper.
- b. If the property involved is within a platted subdivision of the Township (except for the plats of Idlewild Terrace No. 2, 4 and 6), there must be a permanent dwelling on the property and the persons occupying the permanent dwelling on the property must have granted prior permission to the camper occupants to use the dwelling's toilet and washing facilities.
- c. No more than three (3) campers are so occupied on the property during any calendar year.
- d. No camper shall be used for habitation, sleeping or being lived in for more than three (3) days per calendar month from December 15 through the following April 1.
- e. Camping can also occur on unplatted lots or parcels in the Township (and in the plats of Idlewild Terrace No. 2, 4 and 6) that are at least 10,000 square feet in size with a maximum density of 3 campers per acre.

2. *Cannot be used for a residence:* No campers shall be used as a permanent dwelling or for habitation except as expressly otherwise allowed pursuant to this Ordinance.

3. *No appurtenant structures:* No accessory structure, building or addition may be attached to, built over or added onto to a camper. Such prohibited items include, but are not limited to, roof-overs, storage sheds, additions, decks and concrete paths.

### 3.3 Special Events:

In order to accommodate family reunions, weddings, carnivals, community festivals, and other special events involving fewer than 125 attendees, the Township Board may grant permission for persons to exceed the use and density limitations of Section 3.2 of this Ordinance, subject to the following limitations:

1. *Maximum Duration:* No special event shall exceed a five day duration, nor shall a single parcel or lot host more than two (2) such special events during any calendar year.
2. *Sanitary Facilities:* Landowners shall provide adequate and fully operable sanitary facilities in the form of “Port-A Potties”, portable restrooms, and wash facilities to accommodate the projected demand as determined by the District #10 Health Department Code and the Yates Township Ordinance Enforcement Officer.
3. *Campground requirements.* Events must comply with all applicable State of Michigan campground and other regulations.
4. *Additional Conditions:* The Township Board may impose reasonable fees and conditions on any approval pursuant to this Section 3.3.

### 3.4 Vehicle Licensing and Code Requirements:

1. *Licenses:* All campers shall be maintained in reasonable repair and appearance and road-worthy condition at all times. All campers shall have all required current street, vehicle and other licenses.



2. *Retention of Wheels:* The wheels or similar devices for transportation of any camper shall not be removed except for repairs lasting no more than ten (10) days.

3.5 Temporary Shelters are Prohibited:

Temporary shelters (other than lawful campers) are prohibited.

3.6 Permits:

1. Prior to using or occupying any camper, the owner of the property involved shall annually apply for and receive an annual camping permit as provided in Subsection 3.2.1 of this Ordinance from the Township Zoning Administrator (or such other person as the Township Board may designate). Such Township permit shall at all times be displayed on the exterior of the camper.
2. The application for a camper permit shall be on a form prepared for and approved by the Township and shall include all of the following:
  - a. A copy of the camper owner's driver's license.
  - b. A copy of the vehicle registration for the camper.
  - c. Proof of the owner of the lot or parcel on which the camper will be used, including written authorization for the permit applicant to use the lot or parcel if the applicant is not the owner of the lot or parcel.
  - d. A legal description of the lot or parcel, including the subdivision lot numbers and/or a metes and bounds description, a physical address and a Permanent Parcel Number Tax ID.
  - e. Written authorization by the property owner or lessee allowing the Zoning Administrator to access the lot or parcel for inspections to ensure compliance with this Ordinance.

- f. Any other information as may be required by the Zoning Administrator.
3. At the time of applying for a camper permit, the applicant shall pay the permit fee as established from time-to-time by the Township Board.
4. Prior to issuing a camper permit, the Zoning Administrator shall have the option of inspecting the camper to determine whether it complies with applicable laws, rules and regulations including a provision for a working supply of potable water and sanitary waste storage.

### 3.7 Temporary Residences:

1. While a new house, dwelling or cottage is being built on a lot or parcel, the owner thereof may reside in a camper on that same lot or parcel so long as the owner obtains a temporary residence permit from the Zoning Administrator or such other official as is designated by the Township Board and the landowner has a valid building permit for that house, dwelling or cottage from the building department.
2. A temporary residence permit shall be valid for no longer than 12 consecutive months while the house, dwelling or cottage is actively being built. For good cause shown, the Zoning Administrator may extend a temporary residence permit for an additional six month time period.
3. The Zoning Administer may attach reasonable conditions to the approval of any temporary residence permit.
4. The Zoning Administrator can require that the owner of the parcel or lot involved sign a contract or agreement with the Township to provide for the eventual removal of the camper authorized by the temporary residence permit. The Zoning Administrator can also require that the owner of the parcel or lot involved post with the Township a letter of

credit, bond or monetary deposit in an amount and in a format that is acceptable to the Zoning Administrator at his/her discretion.

5. No temporary residence permit shall be issued unless the Zoning Administrator is satisfied that there will be a reasonable water supply and a reasonable and lawful method of disposing of septic waste.

### 3.8 Rentals are Prohibited:

No landowner shall rent, lease or allow for consideration any lot or parcel for the use of a camper unless pursuant to a lease of the entire parcel or lot for longer than one (1) year.

### 3.9 Compliance with Zoning Regulations:

The storage and use of all campers shall comply with all Yates Township zoning regulations.

## **SECTION IV: SEWAGE**

The occupancy of campers shall be subject to all of the following sanitary standards:

### 4.1 Camper Vehicle Holding Tanks:

No toilet, sink, shower or other plumbing fixture contained in a camper shall be used unless it is in good working condition and discharges into a holding tank built into the camper.

Holding tanks integral to the camper must be emptied regularly by discharging their contents into a lawful campground dumping station or other lawful dumping station or by delivering the contents to a wastewater hauler for lawful disposal.

### 4.2 Storage of Sewage in Auxiliary Containers:

Sewage and wastewater shall not be discharged into or stored in auxiliary buckets or containers external to a camper.

### 4.3 Illegal Sewage Discharge:

No sewage or wastewater from a camper shall be discharged into ground holes, pits or privies, onto the surface of the ground, or into surface waters (including wetlands, streams, or other bodies of water).

#### 4.4 Special Events Sanitation:

Sanitary facilities provided for special events approved by the Yates Township Board shall meet the standards of Subsection 3.3(2) of this Ordinance.

### **SECTION V: EXEMPTIONS**

The following uses are exempt from the occupancy and use requirements of this Ordinance:

5.1 Campgrounds: Any lawful camper located in a lawful public or private campground approved by the Township which complies with the Yates Township Zoning Ordinance and also complies with all State of Michigan campground and other regulations.

5.2 Backyard Tents and Tree Houses: Located on a residential lot and used primarily and sporadically for overnight accommodations by the occupants of the principal dwelling on the same lot. However, such items shall not be inhabited for overnight use more than 21 days per calendar year.

### **SECTION VI: VIOLATIONS AND PENALTIES**

6.1 A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or violates any permit issued pursuant to this Ordinance, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than

one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same owner or person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible.

6.2 Each day during which any violation continues shall be deemed a separate offense.

6.3 The prohibitions and penalties of this Ordinance shall apply not only to the landowner or owners and to any person, firm, entity, corporation or association who or which does anything prohibited by this Ordinance and those who aide and abet such acts, but also to any owner, co-owner, lessee, tenant, licensee, part-owner, occupant or person, firm, corporation, or entity owning or having control of any premises or property in violation of this Ordinance.

6.4 In addition to the above remedies, the Township or any person may institute a civil lawsuit to abate any violation of this Ordinance. Any violation of this Ordinance is a nuisance *per se*. The Township’s remedies are cumulative and not exclusive.

## **SECTION VII: SEVERABILITY**

Each portion of this Ordinance shall be deemed to be severable. Should any article, section, subsection, paragraph, subparagraph, sentence, or clause of this Ordinance ever be declared by a court of competent jurisdiction to be unconstitutional or invalid in whole or in part, that holding

shall not affect the validity of this Ordinance, other than that part declared to be unconstitutional or invalid.

**SECTION VIII: EFFECTIVE DATE**

This Ordinance shall become effective upon the expiration of thirty (30) days after this Ordinance or a summary thereof appears in the newspaper as provided by law.

The vote to adopt this Ordinance was as follows:

YEAS: Marilyn Burns, Barbara McGregory, Jacqueline Patterson, Charles Atkins, Shawn Coffey

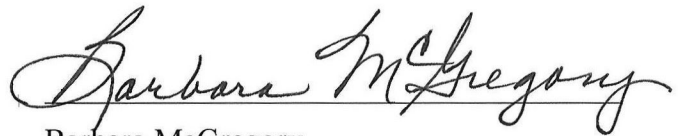
NAYS: - none -

ABSENT/ABSTAIN: - none -

THIS ORDINANCE IS DECLARED TO BE DULY ADOPTED.

**CERTIFICATION**

I hereby certify the above is a true copy of the Ordinance adopted by the Township Board for Yates Township as of the date, time and place as specified above, pursuant to the required statutory procedures.

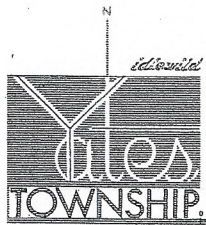


Barbara McGregory  
Yates Township Clerk

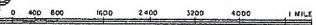
YATES TOWNSHIP PLANNING COMMISSION  
Camping Ordinance Information Packet









Yates Township Zoning Map

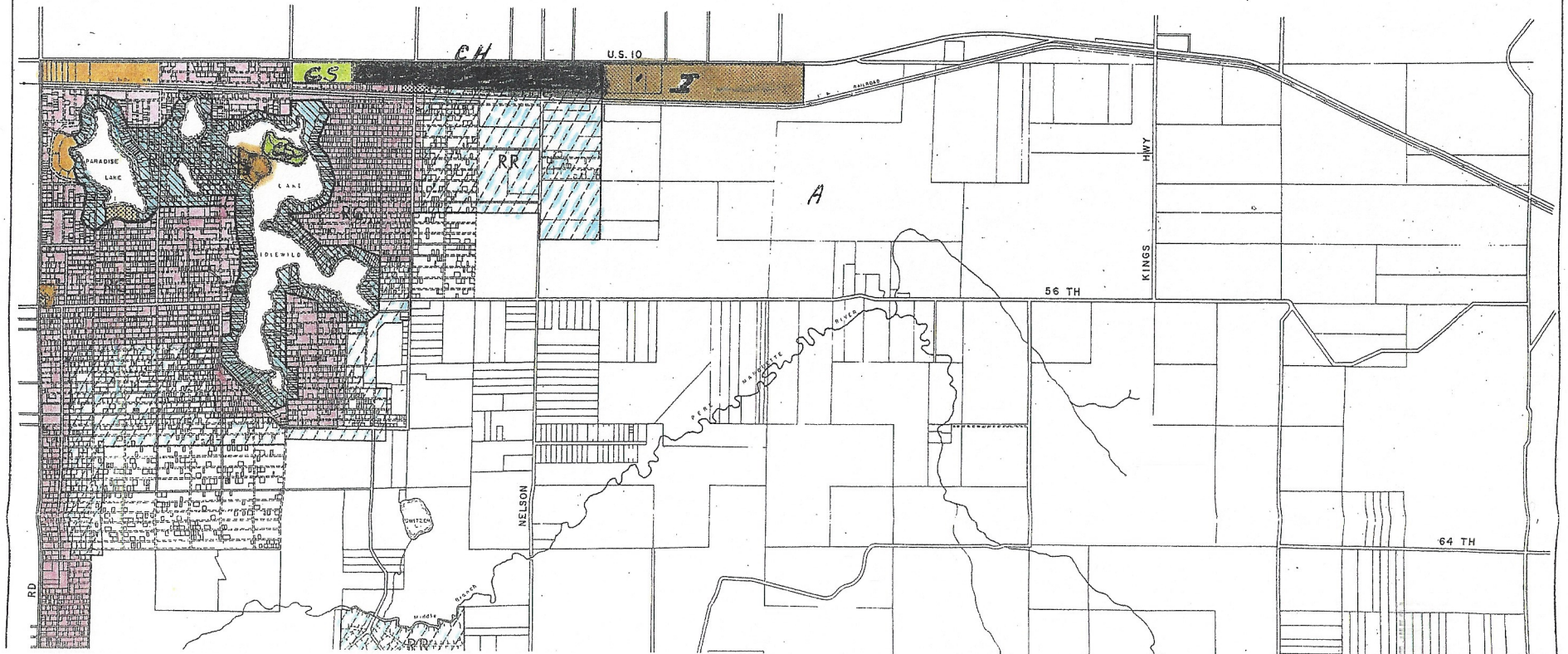
# YATES TOWNSHIP ZONING ORDINANCE



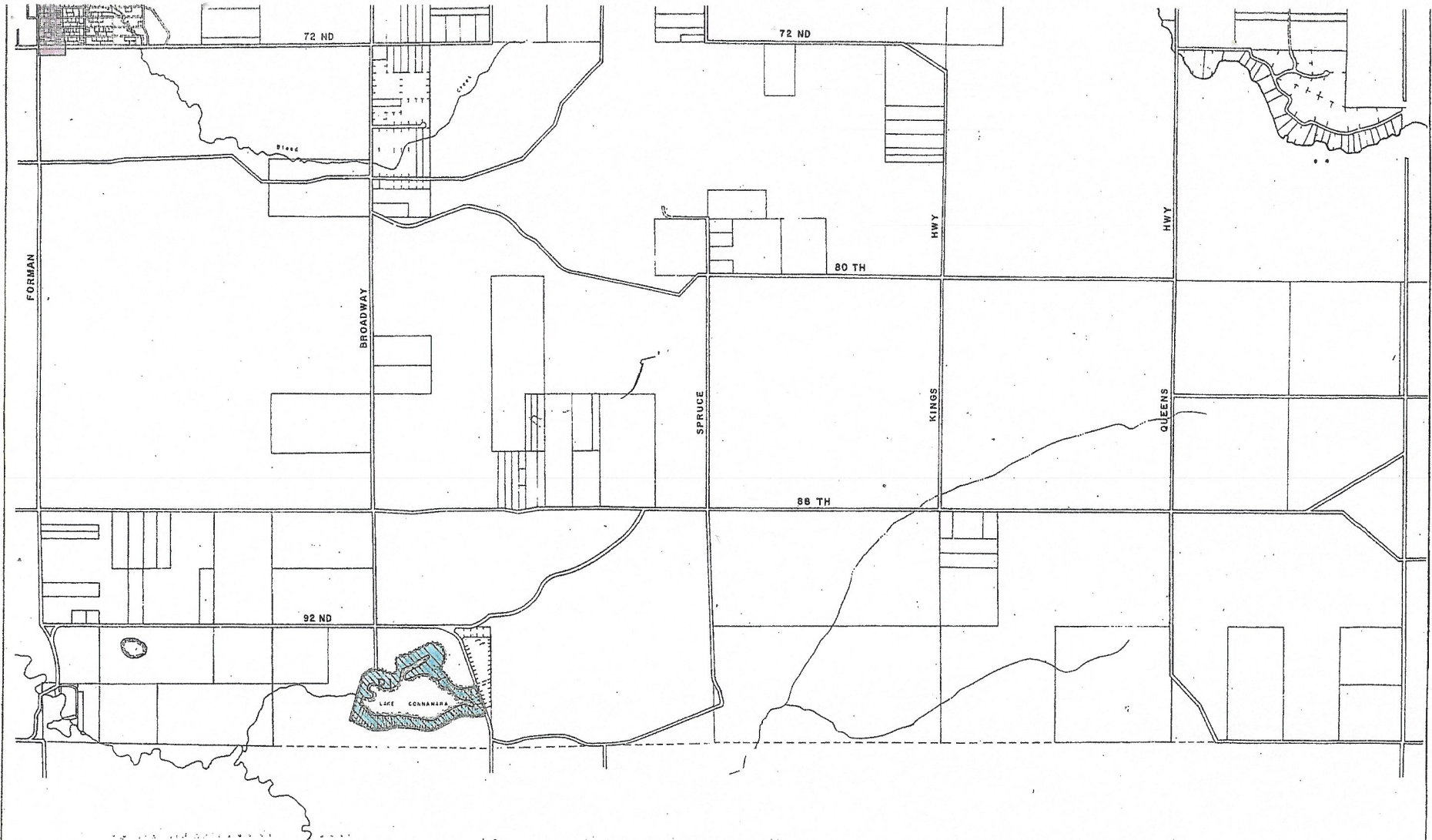
## ZONING MAP



- |  |  |
|--|--|
|  A AGRICULTURAL           |  CS SPECIAL DEVELOPMENT DIST. |
|  RR RURAL RESIDENTIAL     |  CN NEIGHBORHOOD COMMERCIAL   |
|  RL LAKE RESIDENTIAL      |  CH HIGHWAY COMMERCIAL        |
|  RC COMMUNITY RESIDENTIAL |  I INDUSTRIAL                 |



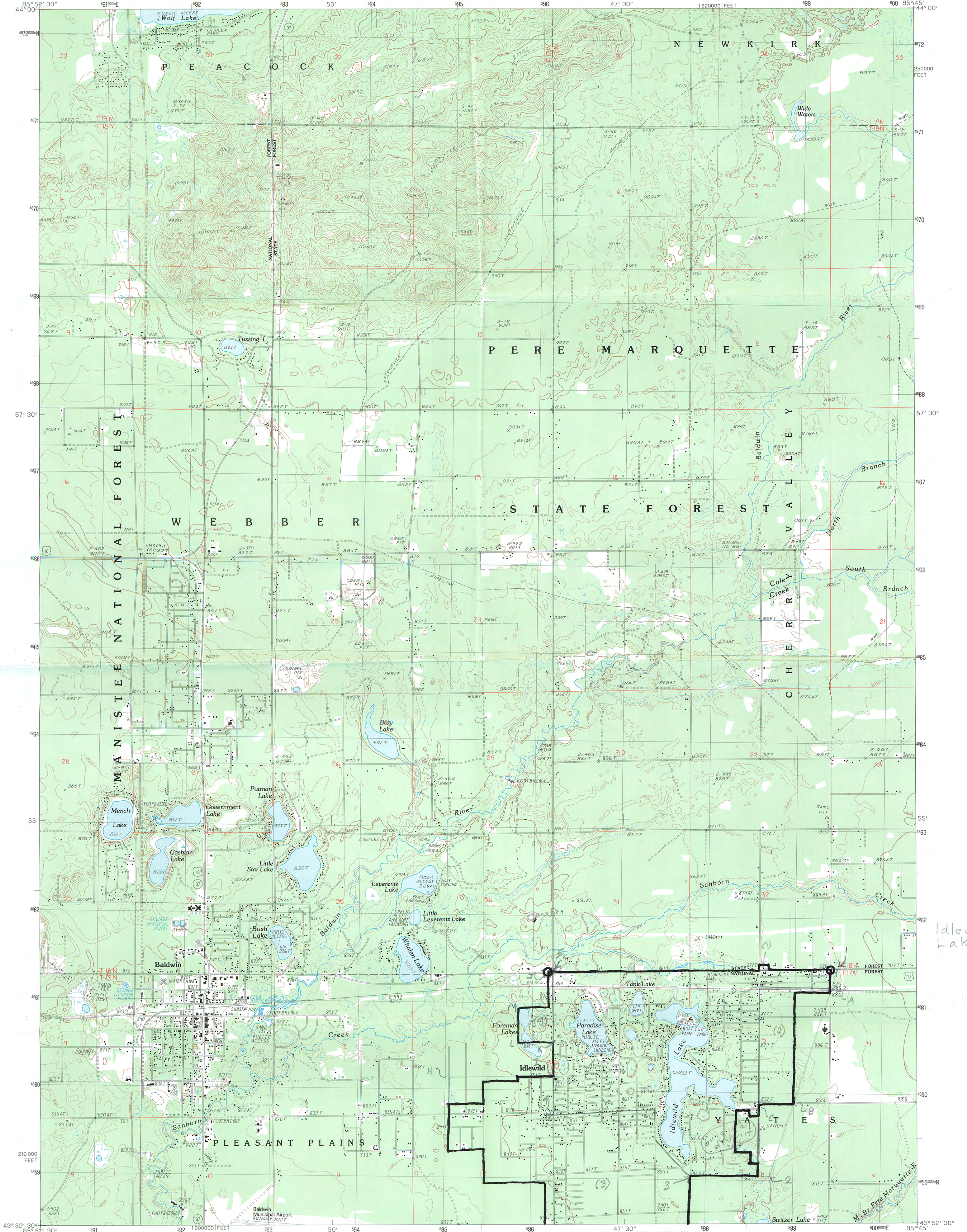




PREPARED FOR YATES TOWNSHIP BY THE PLANNING COMMISSION AND SCOTT BAGBY & ASSOCIATES •• COMMUNITY PLANNERS - REGISTRATION NO. 93

YATES TOWNSHIP PLANNING COMMISSION  
Camping Ordinance Information Packet

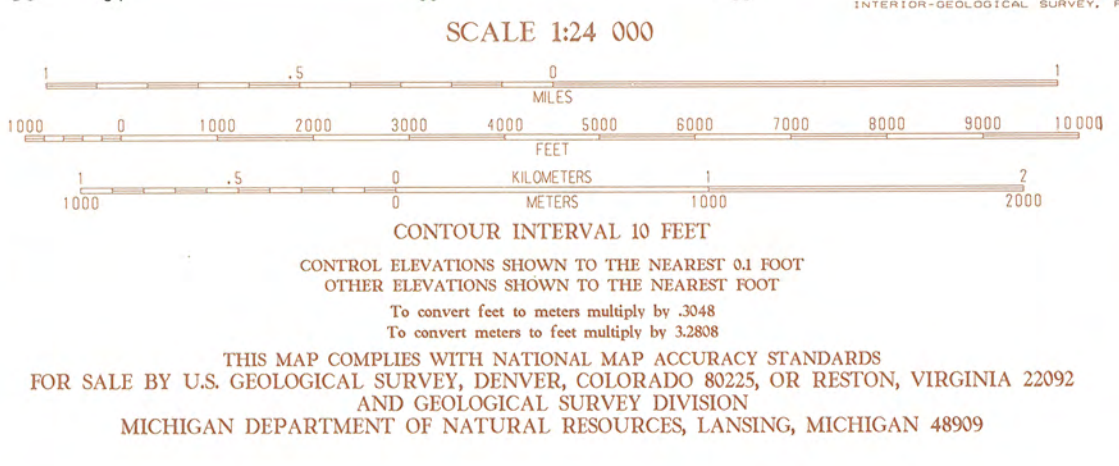
Idlewild National Historic District Maps



Idlewild HD  
Lake Co., MI

PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY CONTROL BY: USGS AND NOS/NOAA COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1981 FIELD CHECKED 1985 MAP EDITED 1987 PROJECTION: LAMBERT CONFORMAL CONIC GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR ZONE 16 18000-FOOT STATE GRID TICKS: MICHIGAN CENTRAL ZONE UTM GRID DECLINATION: 0°49' EAST 1987 MAGNETIC NORTH DECLINATION: 3°00' WEST VERTICAL DATUM: NATIONAL GEODETIC VERTICAL DATUM OF 1989 HORIZONTAL DATUM: 1927 NORTH AMERICAN DATUM To place on the predicted North American Datum of 1983, move the projection lines as shown by dashed corner ticks (2 meters north and 2 meters east) There may be private inholdings within the boundaries of any Federal and State Reservations shown on this map No distinction made between houses, barns, and other buildings

**PROVISIONAL MAP**  
Produced from original manuscript drawings. Information shown as of date of photography.



QUADRANGLE LOCATION

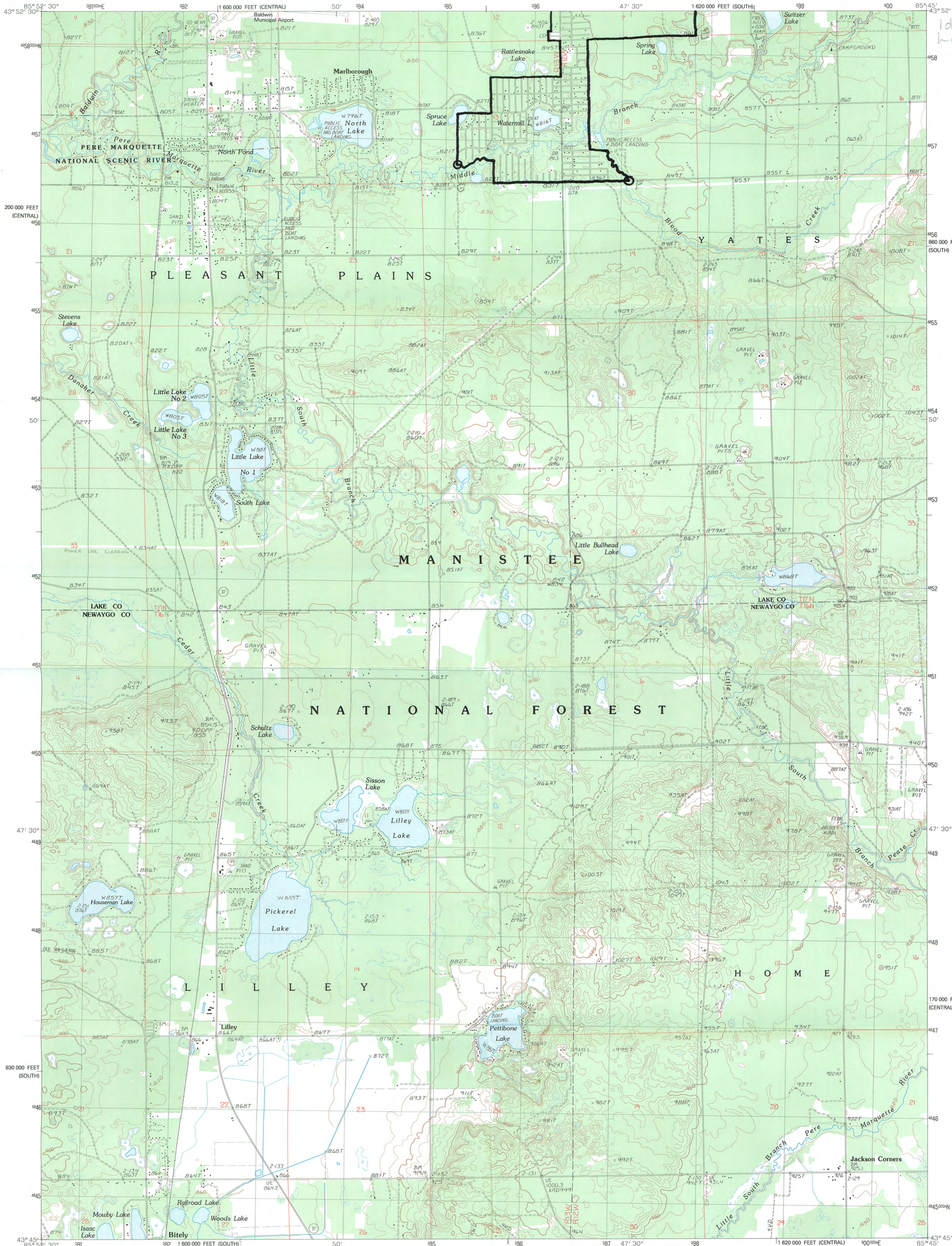
1	2	3	4	5	6	7	8
Peacock Lake	Stewart Lake	Luther	Townsend Lake	Big Star Lake	Marlborough	Whipple Lake	

ROAD LEGEND

- Improved Road
- Unimproved Road
- Trail
- Interstate Route
- U.S. Route
- State Route

BALDWIN, MICHIGAN  
PROVISIONAL EDITION 1987  
43085-H7-TT-024

Idlewild HD  
Lake Co., MI



PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY CONTROL BY... USGS AND NOS/NOAA COMPILED FROM AERIAL PHOTOGRAPHS TAKEN... 1981 FIELD CHECKED... 1982 MAP EDITED... 1987 PROJECTION... LAMBERT CONFORMAL CONIC GRID... 1000-METER UNIVERSAL TRANSVERSE MERCATOR... ZONE 16 1000-FOOT STATE GRID TICKS... MICHIGAN SOUTH ZONE AND CENTRAL ZONE

UTM GRID DECLINATION... 0°49' EAST 1987 MAGNETIC NORTH DECLINATION... 3°00' WEST VERTICAL DATUM... NATIONAL GEODETIC VERTICAL DATUM OF 1929 HORIZONTAL DATUM... 1927 NORTH AMERICAN DATUM To place on the predicted North American Datum of 1983, move the projection lines as shown by dashed corner ticks (2 meters north and 2 meters east) There may be private inholdings within the boundaries of any Federal and State Reservations shown on this map No distinction made between houses, barns, and other buildings

**PROVISIONAL MAP**  
Produced from original manuscript drawings. Information shown as of date of photograph.

SCALE 1:24 000

CONTOUR INTERVAL 10 FEET  
CONTROL ELEVATIONS SHOWN TO THE NEAREST 0.1 FOOT  
OTHER ELEVATIONS SHOWN TO THE NEAREST FOOT

To convert feet to meters multiply by 3048  
To convert meters to feet multiply by 3.2808

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092  
AND GEOLOGICAL SURVEY DIVISION  
MICHIGAN DEPARTMENT OF NATURAL RESOURCES, LANSING, MICHIGAN 48909

ROAD LEGEND

Improved Road . . . . .  
Unimproved Road . . . . .  
Trail . . . . .

Interstate Route U.S. Route State Route

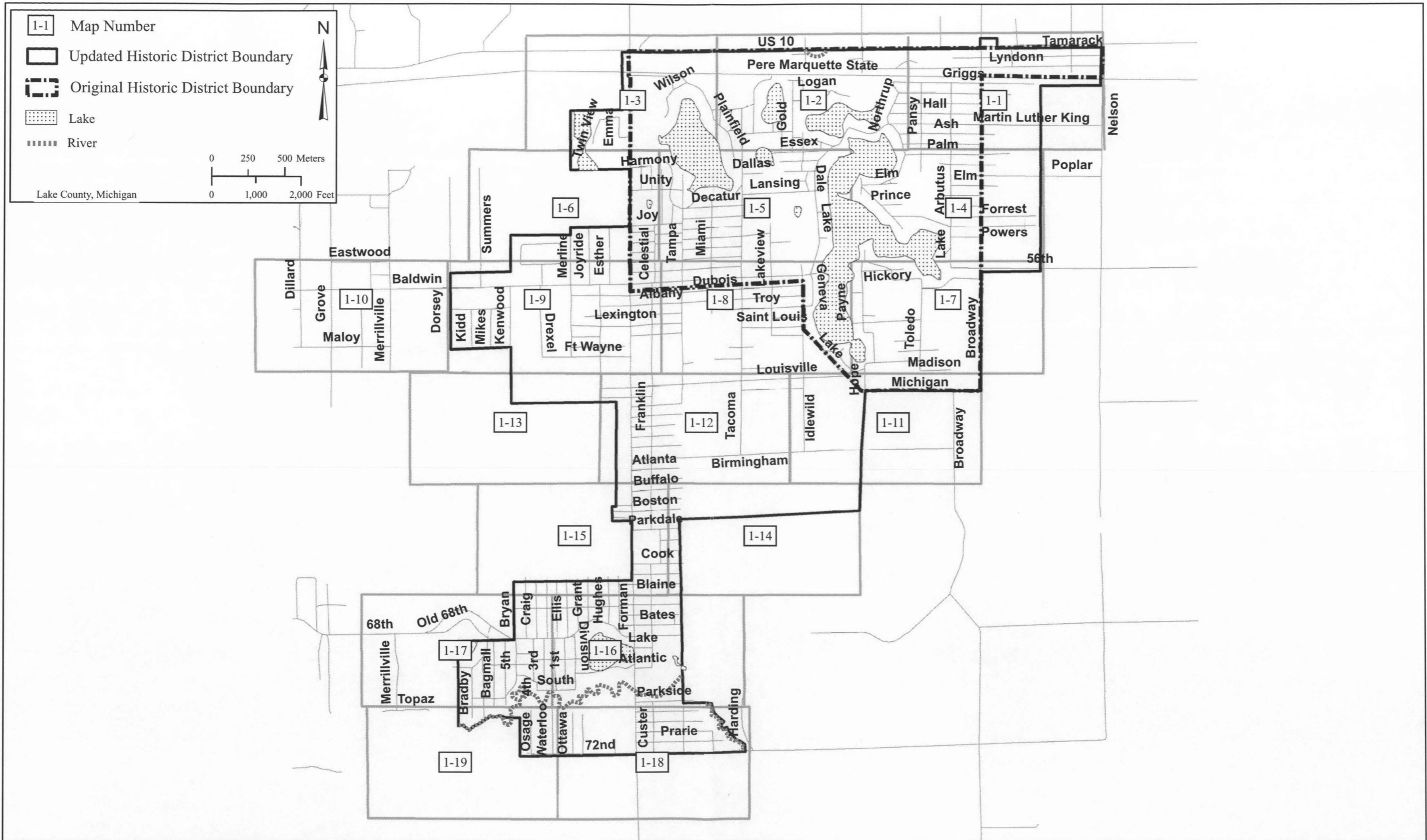
QUADRANGLE LOCATION

1	2	3	Townsend Lake
4	5	6	Baldwin
7	8	9	Chase
			Big Star Lake
			Whipple Lake
			Woodland Park
			Woodville

ADJOINING 7.5' QUADRANGLE NAMES

MICHIGAN

MARLBOROUGH, MICHIGAN  
PROVISIONAL EDITION 1987  
43085-G7-TT-024



Map 1-0. Idlewild Historic District, Lake County, Michigan - Index Map

YATES TOWNSHIP PLANNING COMMISSION  
Camping Ordinance Information Packet

**Sample Ordinance Set from Arundel, MA**  
(chosen due to similarity of Ordinance structure and language)

# Town of Arundel

## Camping Vehicle Temporary Occupancy Ordinance

### SECTION 1: PURPOSE

The purpose and intent of this ordinance is to insure that the temporary occupancy of campers and recreational vehicles within the corporate limits of the Town of Arundel shall be conducted in a manner that protects public health and safety, insures the safe and legal disposal of human waste and wastewater, restricts the use of non-standard electrical power sources and portable heating devices, protects surface and subsurface water quality, minimizes fire exposures and overcrowding, preserves property values, prohibits the creation of substandard permanent housing stock.

### SECTION II: DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply:

**CAMPGROUND:** Any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

**CAMPING TRAILER:** A trailer constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use

**MOTOR HOME:** A motor vehicle designed to provide temporary living quarters for recreational, camping or travel use that contains at least 4 of the following as permanently installed independent systems that meet the National Fire Protection Association standard for recreational vehicles:

- A. A cooking facility with an on-board fuel source;
- B. A potable water supply system that includes at least a sink, a faucet and a water tank with an exterior service supply connection;
- C. A toilet with exterior evacuation;
- D. A gas or electric refrigerator;
- E. A heating or air-conditioning system with an on-board power or fuel source separate from the vehicle engine; and
- F. A 110-volt to 125-volt electric power supply.

**PARK TRAILER OR PARK MODEL TRAILER:** A structure, not exceeding 400 square feet in area, and transported by and off loadable from a trailer designed with connections to site utilities necessary for the operation of installed fixtures and appliances. A "Park Trailer" is classified as a recreational vehicle and not as a mobile home.

**PERSON:** Natural persons, partnerships, associations and all other bodies corporate or public.

**RECREATIONAL VEHICLE.** "Recreational vehicle" means a vehicle that is either self-propelled or towed by a consumer-owned tow vehicle, is primarily designed to provide temporary living quarters for recreational, camping or travel use, complies with all applicable federal vehicle regulations and does not require special highway movement permits to legally use the highways. "Recreational vehicle" includes motor homes, travel trailers, fifth-wheel trailers and folding camping trailers

**SEWAGE:** Sewage shall mean all liquids and water waste from sinks, bathing, washing, and toilet facilities.

**STRUCTURE:** Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on or in the ground, excluding sidewalks, field or garden walls, fences, flagpoles, driveways, and parking lots. All structures shall be subject to the Space & Bulk requirements of the Arundel Land Use Ordinance and the standards of the Maine UBC code.

**TEMPORARY HUMAN HABITATION:** The occupation of a camper vehicle or other non-permanent structure for a period of time not to exceed the limits set forth in this Ordinance.

**TEMPORARY SHELTER:** A physical shelter having form and substance, including, but not limited to floor, walls, windows, doors and a roof, which is not permanently affixed to a foundation and whose supplies of potable water, sewage disposal and electrical current, among other utility services, are not permanently attached or incorporated into the design of the structure in accord with applicable state or local codes. For the purposes of this ordinance, tents shall be considered “temporary shelters” but “Pop-Up tent trailers” shall be classified as “recreational vehicles”.

**TEMPORARY CAMPING VEHICLES:** Shall mean a “Camping Trailer”, a “Motor Home”, a “Recreational Vehicle”, a “Park Model Trailer”, or a bus, truck trailer, or other motor vehicle that has been converted to accommodate sleeping and or living quarters. In order to be considered as a recreational vehicle and not as a structure, the unit must remain with its tires on the ground, and must be able to be registered with a state division of motor vehicles or similar agency, unless a park model located within a legal commercial campground.

**TOWN:** Shall mean the Town of Arundel.

**TRUCK CAMPER:** A portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a truck

## **SECTION III: OCCUPANCY LIMITATIONS**

### **3.1 Storage of Temporary Camping Vehicles**

Temporary Camping Vehicles may be parked or stored on private property within The Town of Arundel, provided:

1. Such vehicles are not used for living or sleeping purposes during the time they are stored or parked on the property; and
2. The stored or parked recreational vehicle does not constitute a nuisance to the public or a fire hazard, and
3. The parking or storage of the Temporary Camping Vehicles is in compliance with all sections of the Arundel Land Use Ordinance.

### **3.2 Limitations on Occupancy:**

1. **Residential Properties:** Persons may occupy a Temporary Camping Vehicle and /or temporary shelters located on a residential property for a period not to exceed **thirty (30) cumulative days** within a 12 month period, provided;
  - a. The occupants are not charged a fee for use of the Temporary Camping Vehicle and /or temporary shelter;



- b. Persons occupying the dwelling unit on the property have granted permission to the Temporary Camping Vehicle / temporary shelter occupants to use the householder's toilet and washing facilities;
  - c. No more than three (3) Temporary Camping Vehicles and/or temporary shelters are so occupied on the property during any twelve month period.
2. **Business Properties:** No Temporary Camping Vehicle or temporary shelter located on a property in a business zone shall be occupied unless legal residential dwelling unit is located on the property, in which case the standards of Section 3.2.1 herein shall apply.

**3.3: Special Events:** In order to accommodate family reunions, weddings, carnivals, and community festivals, and other Special Events involving less than 125 attendees, the Code Enforcement Officer may grant permission for persons to exceed the use and density limitations cited in Section 3.2, subject to the following limitations:

- 1. **Maximum Duration:** No special event shall be exceed 10-day duration, nor shall a single property host more than three (3) such special events in any 12 month period.
- 2. **Sanitary Facilities:** Permittees shall provide adequate sanitary facilities, in the form of “Port-A-Potties”, portable restrooms, and wash facilities to accommodate the projected demand as determined by the Maine State Plumbing Code and the Arundel Code Enforcement Officer.
- 3. **Mass Gathering Permit:** In instances where Special Events may attract more than 125 attendees, the issuance of an Arundel Mass Gathering Permit will be required by the Board of Selectmen.

### **3.4 Licensing & Code Requirements:**

- 1. **Licenses:** All Temporary Camping Vehicles used for temporary occupancy shall be maintained in road-worthy condition.
- 2. **Retention of Wheels:** The wheels or similar devices for transportation of any Temporary Camping Vehicle shall not be removed except for repairs lasting no more than ten (10) days. Park model units shall not be removed from the transport trailer.
- 3. **Temporary Structures:** Any temporary structure or park model trailer constructed on a fixed foundation on the ground or a recreational vehicle with its wheels removed shall be deemed a permanent structure subject and subject to the standards of the Arundel Land Use Ordinance, the Maine Plumbing Code, and the Maine Building Code.

## **SECTION IV: SEWAGE**

The occupancy of Temporary Camping Vehicle\_and /or temporary shelters shall be subject to the following sanitary standards:

- 4.1. **Temporary Camping Vehicle Holding Tanks:** No toilet, sink, shower or other plumbing fixture contained in a Temporary Camping Vehicle shall be used unless it discharges into an approved on-site subsurface wastewater disposal system, or a holding tank built into the Temporary Camping Vehicle. Holding tanks integral to the Temporary Camping Vehicle, must be emptied regularly by discharging their contents into a campground dumping station or other lawful dumping station or by delivering their contents to a wastewater hauler for lawful disposal.

**4.2. Storage of Sewage in Auxiliary Containers:** Sewage and wastewater shall not be discharged or stored in auxiliary buckets or containers external to a Temporary Camping Vehicle holding tank.

**4.3 Illegal Sewage Discharge:** No sewage or wastewater from Temporary Camping Vehicle or temporary shelters shall be discharged into pits or privies, onto the surface of the ground, or into surface waters including wetlands streams, and waterbodies.

**4.4 Special Events Sanitation:** Sanitary Facilities provided for Special Events approved by the Arundel Board of Selectmen shall meet the standards of Section 3.3.2.

## SECTION V: EXEMPTIONS

The following uses shall be exempt from the occupancy requirements of this Ordinance:

**5.1 Campgrounds:** Any Temporary Camping Vehicle or temporary shelter located in a public or private campground approved by the Arundel Planning Board and in conformance with the standards of the Arundel Zoning Ordinance.

**5.2 Private Individual Campsites** as defined and used in conformance with the standards of the Arundel Land Use Ordinance.

**5.3 Backyard Tents and Tree Houses** located on a residential lot and used primarily and sporadically for overnight accommodations by the occupants of the principal dwelling unit on the same lot.

## SECTION VI: VIOLATIONS AND PENALTIES

**6.1 Violations:** When any violation of any provision of this ordinance shall be found to exist, the Code Enforcement Officer is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the town, in accordance with Title 30-A M.R.S.A. § 4452.

**6.2 Penalties:** Any person, including, but not limited to, a landowner, his agent or a contractor who violates a provision of this ordinance shall be liable for any penalties as set forth in Title 30A M.R.S.A. § 4452. Each day a violation is continued shall constitute a separate violation. Fines shall be payable to the Town up to \$1500 per day per occurrence.

ATTEST: A true copy of the Town of Arundel “Camping Vehicle Temporary Occupancy Ordinance” adopted November 5, 2013 on file at the office of the Town Clerk in Arundel, Maine.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Simone L. Boissonneault  
Arundel Town Clerk

# Town of Arundel Land Use Ordinance



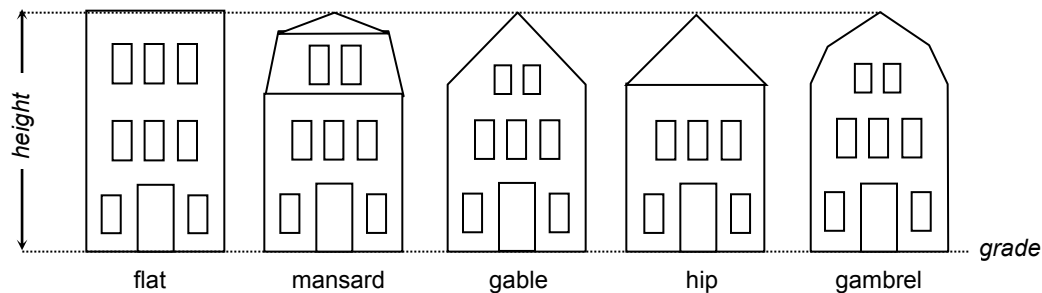
**Adopted: January 30, 2017**  
**Amended: June 14, 2017**  
**September 25, 2017**  
**January 8, 2018**  
**June 13, 2018**  
**April 1, 2019**  
**June 12, 2019**  
**September 23, 2019**  
**July 15, 2020**  
**June 9, 2021**

## Section 3: Definitions

**BUILDING SIGN FRONTAGE:** A ratio used in determining the amount of sign area permitted on a lot or building, calculated by measuring the linear distance of that portion of the building fronting a public street or private way, improved driveway, or parking lot approved by the Arundel Planning Board. (Adopted June 10, 2015)

**BUILDING TRADESMAN:** A workman in a skilled trade, including a craftsman or an artisan. (Adopted June 13, 2007)

**BUILDING HEIGHT:** The vertical distance measured between the average finished grade of the ground at the front of a building to the highest point of the roof not including chimneys, spires, uninhabitable towers, or similar accessory structures not intended for human occupancy. (Amended June 13, 2007)



**BUREAU:** State of Maine Department of Conservation's Bureau of Forestry (Amended June 9, 2010).

**BUSINESS:** Any full or part-time enterprise or commercial facility, whether operated for profit or not-for-profit. (Amended June 13, 2007)

**CAMPGROUND:** Any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

**CANOPY:** As applied to forestry and timber management, the more or less continuous cover formed by tree crowns in a wooded area. (Amended June 9, 2010)

**CEMETERY:** A burial place for human or pet remains. (Amended June 13, 2007)

**CERTIFICATE OF COMPLIANCE:** A document signed by the Code Enforcement Officer stating compliance with all of the provisions of this ordinance. (Amended June 13, 2007)

**CHANGE OF USE:** The conversion of a principal use from one classification to another. (Amended June 13, 2007)

**CHANGEABLE LETTER SIGN:** A sign on which all or part of the message is composed of removable characters. (Adopted November 7, 2000) (Amended June 13, 2007)

**CHANNEL:** A natural or artificial watercourse with a mineralized bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

**CHURCH:** A building used by an organization to hold regularly attended religious services. (Amended June 13, 2007)

**CLUB:** A voluntary non-profit organization where members meet regularly to perform charitable works either by direct hands-on efforts or by raising money for other organizations. A service club is defined by its service mission, and by its membership benefits, such as social occasions, networking, and personal growth opportunities encourage involvement. Clubs offering alcoholic beverages to the public on the premises shall be governed by the conditions of a tavern, as defined herein. (Amended June 10, 2015)

**CLUSTER DEVELOPMENT:** A development for residential, commercial, industrial (or any combination of the above) purposes, in which individual lot sizes are reduced in exchange for the creation of common open space, a reduction in the size of road and utility systems, and the retention of the natural characteristics of the land.

**COASTAL WETLANDS:** All tidal and subtidal lands including all areas below any identifiable debris line left by tidal action, all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt water habitat, and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action or during the maximum spring tide level as identified in the National Ocean Service Tide Tables.

## Section 3: Definitions

**HAZARDOUS WASTE:** Those wastes designated as hazardous by the Maine Board of Environmental Protection in accordance with 38 M.R.S.A. Sec. 1303-A but not including wastes resulting from personal residential household or agricultural activities.

**HEALTH CLUB:** A public or private facility providing exercise and/or weight-lifting equipment, aerobics, yoga, gymnastics, swimming, sauna, or similar type facilities for the promotion of exercise and health maintenance. *(Adopted June 10, 2015)*

**HEALTH SERVICES:** Health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services. *(Adopted June 10, 2015)*

**HISTORIC STRUCTURE:** Any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a.) By an approved state program as determined by the Secretary of the Interior, or
  - b.) Directly by the Secretary of the Interior in states without approved programs. *(Adopted June 12, 1996)*

**HOME OCCUPATION / HOME BUSINESS:** An occupation or use carried on for financial gain as an accessory use in a dwelling or structure accessory thereto that is secondary to the residential purpose and which does not alter the residential character of the dwelling. Home occupations shall be designated as Type 1 or Type 2. *(Amended June 12, 2019)*

**HYDRIC SOILS:** Poorly drained or very poorly drained soils as listed by the U.S.D.A. Natural Resources Conservation Service. *(Amended June 13, 2007)*

**HYDROPHYTIC VEGETATION:** Vegetation that is specifically adapted to submerged or saturated soil conditions and is classified by the U.S. Fish and Wildlife Service, U.S. Department of Agriculture, in the National List of Plant Species that Occur in Wetlands (NERC-88/18.19 or updated version). *(Adopted June 9, 2010)*

**IMPERMEABLE SURFACE:** The surface of a parcel that consists of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, stone, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. *(Adopted June 13, 2007)*

**INDUSTRIAL:** The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**INN:** A building, which contains a dwelling unit occupied by an owner or resident manager, in which lodging or lodging and meals are offered to the general public for compensation, in which the entrances and exits to or from these rooms are made through a lobby or other common room.

**INDIVIDUAL PRIVATE CAMPSITE:** An area of land which is not otherwise developed and not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms. An individual private campsite does not include the use of a tent or recreational vehicle by visitors to the occupants of a dwelling. *(Amended June 13, 2007)*

**INTENSIFICATION:** An increase in use or activity which will generate 10% or more (A.A.D.T.) traffic trips in accordance with the Institute of Traffic Engineers Trip Generation Manual or a use which requires an increase in parking by 10 or more spaces. *(Adopted June 12, 1996)*

**SECTION 6 LAND USE DISTRICTS**

**6.1 URBAN RESIDENTIAL DISTRICT (R1)**

**6.1.1 PERMITTED USES** *(Amended June 12, 2019)*

The following uses are permitted uses in the Urban Residential R-1 District:

1. Accessory structure
2. Accessory Use
3. Agriculture
4. Aquaculture
5. Home Occupation, Type 1
6. Individual Private Campsite
7. Residential, Single Family and Two Family
8. Pier, Dock, Wharf, Causeway, and Uses Projecting into Waterbodies-Temporary
9. Public Facility
10. Timber harvesting less than 40% basal area
11. Yard sale
12. Uses Similar to Permitted uses

**6.1.2 CONDITIONAL USES** *(Amended June 12, 2019)*

The Planning Board may authorize the following conditional uses provided that the conditions and requirements of Sections 5.0 and 9.0 are met

1. Animal Husbandry of 5 or less animal units
2. Assisted Living Facility
3. Bed & Breakfast, Boarding House
4. Cemetery
5. Church, Parish House
6. Day Care Home
7. Educational Facility, Public, Private, Parochial School
8. Home Occupation, Type 2
9. Filling and earth moving activity of greater than 100 cubic yards
10. Pier, Dock, Wharf, Causeway, and Uses Projecting into Waterbodies-Permanent
11. Pet Day Care Centers *(Adopted June 14, 2017)*
12. Public Utility
13. Recreational Facility, Parks and Recreation
14. Residential, Multi-Family
15. Uses similar to conditional uses

**6.1.3 SPACE & BULK REQUIREMENTS IN THE R-1 DISTRICT**

<b>Dimension</b>	<b>Quantity</b>
Lot Size	1 acre
Lot Size for Two family residence (duplex)	1.5 acres
Lot Frontage	200 feet
Lot Frontage on a Cul-de-Sac with a minimum sixty (60) foot radius	75 feet
Front Yard Setback	50 feet
Side Yard Setback	25 feet
Rear Yard Setback	25 feet
Setback from the normal high-water mark of waterbodies or the upland edge of wetlands in the Shoreland Zone	50-100 feet
Setback from the normal high-water mark of perennial and intermittent streams outside of the Shoreland Zone	25-50 feet

## 6.2 SUBURBAN RESIDENTIAL DISTRICT (R2)

### 6.2.1 PERMITTED USES

The following uses are permitted uses in the Suburban Residential R2 District.

1. Accessory shed (*adopted June 9, 2021*)
2. Accessory structure
3. Accessory Use
4. Agriculture
5. Aquaculture
6. Clearing for removal of vegetation for activities other than timber harvesting
7. Filling and earth moving activity of greater than 10 cubic yards but less than 100 cubic yards
8. Fire Protection activities
9. Forest management activities except for timber harvesting & land management roads
10. Home Occupation Type I (*amended June 9, 2021*)
11. Home Occupation Type II (*adopted June 9, 2021*)
12. Individual Private Campsite
13. Land Management Roads
14. Marinas
15. Motorized Vehicular Traffic on existing roads and trails
16. Non-intensive recreational uses not requiring structures such as hunting, fishing, and hiking
17. Residential, Single Family and Two Family
18. Soil and Water Conservation Practices
19. Pier, Dock, Wharf, Causeway, and Uses Projecting into Waterbodies-Temporary
20. Public Facility
21. Timber harvesting less than 40% basal area
22. Wildlife Management Practices
23. Yard sale
24. Uses Similar to Permitted uses

### 6.2.2 CONDITIONAL USES

The Planning Board may authorize the following conditional uses provided that the conditions and requirements of Sections 5.0 and 9.0 are met.

1. Animal Husbandry of 5 or less animal units
2. Bed & Breakfast, Boarding House
3. Cemetery
4. Church, Parish House
5. Day Care Home
6. Educational Facility, Public, Private, Parochial School
7. Equestrian Stable, *Commercial*
8. Filling and earth moving activity of greater than 100 cubic yards
9. Farm Retail
10. Livery Operations (*Adopted July 15, 2020*)
11. Museum
12. Nursing Home
13. Pier, Dock, Wharf, Causeway, and Uses Projecting into Waterbodies-Permanent
14. Pet Day Care Facility (*Adopted June 14, 2017*)
15. Public Utility
16. Recreational Facility, Parks and Recreation
17. Residential Care Facility
18. Residential, Multi-Family
19. Timber Harvesting in excess of 40% basal area
20. Uses similar to conditional uses

### 6.3 RURAL RESIDENTIAL DISTRICT (R3)

#### 6.3.1 PERMITTED USES

The following uses are permitted uses in the Rural Residential R3 District:

1. Accessory shed (*adopted June 9, 2021*)
2. Accessory structure
3. Accessory Use
4. Agriculture
5. Aquaculture
6. Clearing for removal of vegetation for activities other than timber harvesting
7. Filling and earth moving activity of greater than 10 cubic yards but less than 100 cubic yards
8. Fire Protection activities
9. Forest management activities except for timber harvesting & land management roads
10. Home Occupation Type I (*amended June 9, 2021*)
11. Home Occupation Type II (*adopted June 9, 2021*)
12. Individual Private Campsite
13. Land Management Roads
14. Marinas
15. Motorized Vehicular Traffic on existing roads and trails
16. Non-intensive recreational uses not requiring structures such as hunting , fishing , and hiking
17. Pier, Dock, Wharf, Causeway, and Uses Projecting into Waterbodies-Temporary
18. Public Facility
19. Residential, Single Family and Two Family
20. Soil and Water Conservation Practices
21. Timber harvesting less than 40% basal area
22. Wildlife Management Practices
23. Yard sale
24. Uses Similar to Permitted uses

#### 6.3.2 Conditional Uses

The Planning Board may authorize the following Conditional Uses provided that the conditions and requirements of Sections 5.0 and 9.0 are met.

1. Animal Husbandry of 5 or less animal units
2. Bed & Breakfast, Boarding House
3. Campground
4. Cemetery
5. Church, Parish House
6. Contractor Yard 1
7. Day Care Home
8. Equestrian Stable, *Commercial*
9. Farm Retail
10. Filling and earth moving activity of greater than 100 cubic yards
11. Golf Course
12. Mineral Extraction
13. Museum
14. Pier, Dock, Wharf, Causeway, and Uses Projecting into Waterbodies-Permanent
15. Pet Day Care Facility (*Adopted June 14, 2107*)
16. Public Utility
17. Recreational Facility, Parks and Recreation
18. Residential Care Facility
19. Sawmill
20. Solid Waste Facility-Agronomic Utilization
21. Timber Harvesting in excess of 40% basal area
22. Uses similar to conditional uses



## 6.5 DOWNTOWN BUSINESS 2 DISTRICT (DB2)

The Downtown Business 2 District is located behind the Downtown Business 1 District and is designed to encourage more intensive commercial and institutional uses that would otherwise be incompatible with the scale and business mix of the DB-1 district. Site and building design is intended to be complimentary to building patterns in DB-1 and yet maximizes the functionality of available land. The boundaries of the Downtown Business 2 District are depicted on the Official Zoning Map.

### 6.5.1 PERMITTED USES

The following are permitted uses in the Downtown Business 2 District, providing that the uses meet all applicable performance standards herein and in section 5.0 of this Ordinance.

1. All legally existing businesses and associated structures operating in the DB-2 district as of June 10, 2015.
2. All residences legally existing in the DB-2 district as of June 10, 2015.
3. Expansions of legally existing businesses and residences operating the DB-2 district as of June 10, 2015.
4. Accessory Buildings, Structures, or Uses
5. Accessory Apartments
6. Agriculture
7. Artist and Craftsman studios
8. Automobile service stations
9. Automobile Repair garage
10. Automobile, watercraft and recreational vehicle sales
11. Banquet Halls
12. Breweries and Wineries
13. Catering & Food preparation
14. Clubs
15. Commercial services
16. Contractor Yards 1 & 2
17. Convention Centers
18. Churches and parish houses
19. Day care facilities, including adult and child care
20. Drive-thru facility
21. Garden centers
22. Health Clubs
23. Health Services
24. Lodging and Boardinghouses
25. Low Impact Manufacturing
26. Marinas
27. Medical facilities
28. Public Facility
29. Museums
30. Professional Offices
31. Theaters and Movie Theaters
32. Personal services
33. Recording Studios and Radio Stations
34. Recreational rentals, sales, supplies
35. Recreational Facility, Passive
36. Residential, limited to one single family unit on a lot of record existing as of June 10, 2015 and all subsequent lots that are exempt from *30A MRSA §4401.4 and §4401.4D-1, D-2, D-3, and D-4.*
37. Restaurants
38. Retail
39. Schools
40. Timber Harvesting less than 40% basal area of the forest stand
41. Warehousing
42. Veterinary Hospitals
43. Yard sales.

## Section 6: Land Use Districts

### 6.5.2 CONDITIONAL USES

The following uses are permitted as conditional uses in the Downtown Business 2 District providing that the uses meet all applicable performance standards herein and in section 5.0 and 9.0 of this Ordinance.

1. Age Restricted Community
2. Campgrounds
3. Congregate Care Facilities
4. Convention Center.
5. Equestrian Stable, *Commercial*
6. Filling and earth moving activity of greater than 100 cubic yards
7. Fuel storage and distribution operations
8. Golf Course
9. Home Occupation
10. Kennels
11. Medium Impact manufacturing
12. Medical Marijuana-Caregiver Production Facility, *provided the facility is located no less than one thousand (1,000) feet from any church, school, Day Care Facility, and limited to one caregiver facility per lot. (Amended July 15, 2020)*
13. Mobile Food Trucks and Mobile Food Trailers (Amended April 1, 2019)
14. Outdoor sales involving more than 5,000 square feet of sales area.
15. Pet Day Care Facilities
16. Public utility
17. Recreational Facilities, *Commercial excluding power sports amusements*
18. Residential (to include single family, two family, and multi-family) provided that a minimum 35% of the parcel area is used for commercial or non-residential purposes.
19. Taverns
20. Timber harvesting in excess 40% of the basal area of the forest stand.

### 6.5.3 SPACE & BULK REQUIREMENTS IN THE DB-2 DISTRICT

Table 6.5-3 Dimensional Requirements				
Zoning Standard	Non-Residential Uses	Residential Uses		
Minimum Lot Size	1 acre	2 acre NDD* (on lots conforming with section 6.5.1.32 and 6.5.2.11) See Table 6.5.3.2 below for Density bonus dimensional requirements		
Maximum Building Footprint	100,000 sf	NA		
Maximum Lot Coverage	70%	40%		
Age Restricted Housing Density		1 unit /1 acre NDD* 1 unit /0.5 acre NDD* with 35% commercial/non-residential uses on the project site		
Congregate Care Facility	1 unit /5,000sf NDD*			
Maximum Building Height	50 feet	50 feet		
		<b>2 acre</b>	<b>1.5 acre</b>	<b>1 acre</b>
Front Yard Setback	40 feet	50 feet	40 feet	35 feet
Side Yard Setback	15 feet	25 feet	20 feet	15 feet
Rear Yard Setback	25 feet + 5 feet for every story over 2 stories	35 feet	30 feet	25 feet

## Section 8: Shoreland Zoning

dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

1. **Application Process:** Any applicant seeking a Disability Variance within the Shoreland Zone shall file a variance appeal and shall be reviewed by the Arundel Zoning Board of Appeals in accordance with the provisions of Section 11.4 of this Ordinance and Sections 8.7.5.2. and 8.7.5.3 below.
2. **DEP Notification:** A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
3. **Limitations:** The Arundel Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

### 8.8 PERFORMANCE STANDARDS IN THE SHORELAND ZONE DISTRICTS

#### 8.8.1 PIERS, DOCKS, WHARVES, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BEYOND THE NORMAL HIGH-WATER MARK OF A WATER BODY OR WITHIN A WETLAND.

Access from shore shall be developed on stable soils not subject to slumping or mass movement and constructed so as to control erosion.

1. The location shall not interfere with existing developed or natural beach areas.
2. The facility shall be located so as to minimize adverse effects on fisheries.
3. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area. A temporary pier, dock, or wharf in non-tidal waters shall not be wider than six (6) feet for non-commercial uses.
4. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
5. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
7. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
8. Permanent structures shall require Conditional Use plan review approval. Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-C.

#### 8.8.2 CAMPGROUNDS

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

## Section 8: Shoreland Zoning

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

### 8.8.3 INDIVIDUAL PRIVATE CAMPSITES

Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

1. One campsite per lot existing on June 14, 1995, or thirty thousand (30,000) square feet of lot area within the shoreland district, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of Brimstone Pond and the Kennebunk River and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
3. Only one recreational vehicle shall be allowed on a campsite. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.
4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the *State of Maine Subsurface Wastewater Disposal Rules* unless served by public sewage facilities.

### 8.8.4. PARKING AREAS

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
  - a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
  - b. Internal travel aisles: Approximately twenty-four (24) feet wide.

### 8.8.5 ROADS AND DRIVEWAYS

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

1. **Setbacks:** Roads and driveways shall be set back at least one hundred (100) feet from the normal high-water line of Brimstone Pond and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet upon demonstration by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

## Section 9: Conditional Uses

permitted outside. No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground.

### 9.3.9 RESERVED [Automobile Service Stations]

### 9.3.10 CAMPGROUNDS AND TENTING GROUNDS

**Campgrounds** shall conform to the minimum requirements imposed under State licensing procedures and the following (in cases of possible conflict, the stricter rule shall apply):

#### 1. General

- a. Minimum Lot Size & Setbacks:** A campground must be located on at least 10 acres of land, and all camping units or structures shall be located at least 100 feet from any property line and 200 feet from any residence (except residences belonging to the campground owners).
- b. Screening & Buffering:** Campsites, recreational vehicles, and camping units shall be screened from public roads and buffered in such a manner that none are within view of existing residences or approved residential lots. Any combination of evergreen planting, landscaped earthen berms, or solid fencing may be used to achieve this screening standard. The Planning Board may modify the extent of screening and buffering requirements based on existing site conditions. *(Amended September 25, 2017)*
- c. Limited Occupancy for RVs & Trailers:** No trailers other than recreational vehicles or utility trailers as defined herein, shall be permitted within any campground, temporarily or otherwise. No camping unit shall be exhibited for sale for commercial purposes within the park. The campground season shall extend from April 1 to October 31 and the campground shall remain unoccupied from November 1<sup>st</sup> to March 31<sup>st</sup> every calendar year. Only camping units such as defined herein (plus a towing vehicle), shall be permitted within any campground, temporary or otherwise. *(Amended September 25, 2017)*
- d. Density:** Tent sites and sites for recreational vehicles (RV's) shall be laid out so that the density of each developed acre of land does not exceed the standards below (in terms of sites per acre of land, excluding circulation roads):

Table 9.3.10-1

*Campsite Density by Type*

Camp Site Types	Non-Shoreland	Shoreland Zones
Tent sites	14 per acre	8 per acre
RV sites	11 per acre	7 per acre

- e. Shore Frontage:** Within a Shoreland Zone, any campsite along a water body shall have a minimum shore frontage of 100 feet. Within a Shoreland Zone, the areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of 100 feet from the normal high-water mark of any water bodies, tributary streams, or the upland edge of a wetland. Outside of the Shoreland Zone, the areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of 50 feet from any perennial stream. *(Amended June 13, 2007)*
- f. Prohibitions:** No campsite shall be located within a Resource Protection District or within the 100-year flood plain.
- g. Appurtenant Structures:** Decks, patios, attached Florida rooms and other permanent structures constructed on an individual campsite shall be restricted to the lesser of 400 square feet or the total square foot area of the recreational vehicle located on the campsite, and the peak roofline of said structures shall not exceed the height of the RV roofline. A building permit shall be obtained from the Arundel Code Enforcement Officer prior to the installation of any semi-permanent or permanent structure on any campsite. *(Adopted September 25, 2017)*

## Section 9: Conditional Uses

### 2. Parking and Circulation

- a. A minimum of three hundred square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site. Recreational vehicles shall be parked in spaces so that:
  - 1) there shall be a minimum of 30 feet between vehicles; and;
  - 2) there shall be a minimum of 20 feet between all recreational vehicle and tent sites, and all interior campground roads.
- b. Vehicular access shall be provided onto a road constructed of at least 15" of bank-run gravel (no stone larger than 4"), and a surface of 3" of crushed gravel (no stone larger than 1/2").

### 3. Health and Safety

- a. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table and trash receptacle. The park management shall dispose of refuse from said containers by transporting the refuse to an approved disposal area at least once every three days.
  - b. A campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State of Maine Plumbing Code Rules. There shall be at least one toilet and lavatory provided for each sex for every ten tent sites. All recreational vehicle sites equipped with water and sewage hook-ups shall comply with State of Maine Plumbing Code Rules.
  - c. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations. 24-hour emergency communication service (e.g. telephones) shall be provided.
  - d. Each campsite shall be provided with a masonry or metal fireplace, approved in writing by the Fire Chief.
- 4. Annual Assessor Report:** All operators of campgrounds shall annually provide an accurate inventory of Recreational Vehicles present on the campground as of April 1<sup>st</sup>, including the owner's name and contact information, year and make of the RV unit and its current N.A.D.A. value. *(Adopted September 25, 2017)*

#### 9.3.11 RESERVED [Child Care Facilities]

#### 9.3.12 CLUSTER DEVELOPMENT/PLANNED UNIT DEVELOPMENT

##### 1. Purpose

The purpose of these provisions is to allow for flexibility in design and layout of housing developments, provided that the net residential density shall be no greater than is permitted in the District in which the development is proposed and to promote the conservation of dedicated common open space. All layout, dimensional, and area requirements contained in this ordinance or the town's subdivision review standards may be altered by the Planning Board, except height limitations. (Amended June 11, 2008)

##### 2. Basic Requirements: Cluster/planned unit developments shall meet all the following criteria:

- a. **Dimensional Exemptions:** All developments shall meet the Arundel Subdivision Regulations but are exempt from this ordinance's requirements relating to minimum lot size, property line setbacks and street frontage. The total area of reduction on lot sizes below the required minimums shall be at least equal to the amount of dedicated common open space and in developments located in the Rural Zones the dedicated common open space shall be equal to or exceed 50% of the total acreage in the development. (Amended June 11, 2008)
- b. **Minimum Acreage:** The minimum area of land in a cluster/planned unit development shall be 6 acres.

**TOWN OF ARUNDEL**

**MASS OUTDOOR GATHERING ORDINANCE**

**ARTICLE I**

**TITLE, AUTHORITY AND PURPOSE**

SECTION 1.1 TITLE

This ordinance shall be known as and may be cited as the Mass OUTDOOR GATHERING Ordinance of the Town of Arundel.

SECTION 1.2 AUTHORITY

This ordinance is enacted according to the authority granted in Title 22, Section 1602, and Title 30, Sections 1911, 1920 and 2151 of the Maine Revised Statutes Annotated.

SECTION 1.3 PURPOSE

It is recognized that a mass outdoor gathering attended by 150 or more persons, which is to be continued with such attendance for two or more hours, may create a hazard to public health and safety. Accordingly, it is deemed necessary, in the interest of public welfare, to regulate the conduct of such gatherings in order to protect the public health and safety.

**ARTICLE II**

**DEFINITIONS  
FOR THE PURPOSE OF THIS ORDINANCE**

SECTION 2.1 SELECTMEN

Selectmen means the Arundel Board of Selectmen and its authorized representatives.

SECTION 2.2 MASS GATHERING AREA

2.2 A Mass gathering area means any place maintained, operated, or used for a group gathering or assemblage, except an established permanent stadium, athletic field, arena, auditorium, coliseum, fair ground, or other similar permanent place of assembly that has sufficiently existing sanitary facilities to handle the expected gathering.

- 2.2 B Mass Gathering means a group of 150 or more persons assembled together for a meeting, festival, social gathering or other similar purpose that can be anticipated to exceed two (2) hours duration.
- 2.2 C Operator means the person, individual, group, or group of individuals or corporation, firm or company responsible for the managing of the mass gathering area. In the event that no operator exists, the owner or, in the event of his nonavailability, the lessee of the ground encompassing the group gathering area, shall be deemed to be the operator under these regulations.

## ARTICLE III

### PERMIT REQUIRED

#### SECTION 3.1 PROHIBITIONS

No person shall sponsor, promote, sell tickets to, permit on his property, or otherwise conduct, a mass outdoor gathering which may, will, or is intended to attract a continued attendance at such gathering of 150 or more persons for two or more hours until a permit therefor has been obtained from the Selectmen.

#### SECTION 3.2 ISSUANCE

The Board of Selectmen shall issue a permit for a mass outdoor gathering unless it finds the standards in this ordinance are not met. When considering the issuance of a permit the Board of Selectmen may seek advice from the Fire Chief, Code Enforcement Officer, Health Officer, and such other officials or persons as it deems necessary.

#### SECTION 3.3 STANDARDS

The Board of Selectmen, in denying a permit, shall find that one or more of the standards set forth in this ordinance have not been met.

#### SECTION 3.4 PERMIT PROCEDURE

A permit application to hold one or more mass outdoor gatherings shall be submitted to the Town Clerk at least twenty (20) days prior to the first outdoor gathering contemplated. The permit application shall contain the information described in Section 3.5 (PERMIT APPLICATION ) and shall be accompanied by a non refundable permit fee of \$50.00.

Within fourteen (14) days after consideration of the permit application the Board of Selectmen shall either;

- (1) Issue a permit to the operator; or



- (2) Deny a permit to the operator, which denial shall be in writing and shall set forth with specificity the reasons for such denial, together with a list of steps which, if followed by the operator, would result in a permit being issued.

Concurrently with the issuance of a permit, the operator shall furnish the Town with a bond of a surety company qualified to do business in this State in such amount as the Board of Selectmen shall reasonably determine, but in no event less than \$5,000.00. Cash or negotiable securities of equivalent value may be furnished in lieu of a bond. The bond or security shall guarantee compliance by the operator with the provisions of this ordinance. In addition, the operator shall deposit with the Town an amount of money equal to 120% of the estimated public costs of the contemplated mass outdoor gatherings. Public costs shall be those costs incurred by the Town in connection with the contemplated mass outdoor gatherings which relate to the mass outdoor gatherings and which would not be incurred by the Town if such gatherings were not held. Promptly after the gatherings, the public costs shall be calculated, and the deposit shall be refunded to the operator to the extent it exceeds the actual public costs. If the actual public costs exceed the amount deposited, the operator shall pay the excess to the Town within ten (10) days after being so notified.

#### SECTION 3.5 PERMIT APPLICATION

The permit application submitted pursuant to section 3.4 shall be in the form prescribed by the Board of Selectmen and shall show the following in reasonable detail:

##### (A) ACCESS

That convenient and safe access for entrance and exits of pedestrians and vehicular traffic exists, and that all public roadways in the proximity of the mass outdoor gathering will be adequately staffed with traffic control personnel to insure safety to all the public.

##### (B) GROUNDS

1. That each mass gathering area will be well drained and so arranged to provide sufficient space for persons assembled, vehicles, sanitary facilities and appurtenant equipment.
2. That trees, underbrush, large rocks and other natural features will be left intact and undisturbed whenever possible, and that natural vegetative cover will be retained, protected and maintained so as to facilitate the drainage, will prevent erosion, and preserve the scientific attributes.
3. That grounds will be maintained free from accumulations of refuse, and any health and safety hazards constituting a nuisance.

4. That illumination will be provided at night to protect the safety of the persons at the assembly. The assembly area shall be adequately lighted, but shall not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.
5. That on site parking space will be provided for persons arriving by vehicular means; that service road and parking spaces will be located so as to permit the convenient and safe movement of vehicular and pedestrian traffic and free passage of emergency vehicles; that width of the service road should not be less than the following: 1 traffic lane - 12 feet; 2 traffic lanes - 24 feet; parallel parking lanes - 7 feet; that adequate parking spaces shall be provided; adequate parking is construed to mean at the rate of at least one parking space to every four (4) persons and the density shall not exceed one hundred (100) passenger cars or thirty (30) buses per usable acre.
6. That at least 10 square feet per person shall be provided on the site for daytime assemblage, and that no overnight assemblage will be permitted.

#### SECTION 3.6 WATER SUPPLY

- A. That an adequate, safe supply of potable water, meeting requirements of the State Department of Human Services, Division of Health Engineering, will be provided and that common cups will not be used.
- B. That transported water will be obtained from an approved source, stored and dispensed in an approved manner. Approval as used in this paragraph means in compliance with standards adopted by the State Department of Human Services, Division of Health Engineering.

#### SECTION 3.7 SANITATION

- A. That where water is distributed under pressure and flush toilets are used, the water system will deliver water at normal operating pressure (20 lbs. per square inch minimum to all fixtures at the rate of at least 30 gallons per person per day).
- B. That when water is not available under pressure, and nonwater carriage toilets are used, at least 3 gallons of water per person per day will be provided for drinking and lavatory purposes.
- C. That where water under pressure is not available, equivalent facilities shall be provided and installed in accordance with the requirements of the Department of Human Services, Division of Health Engineering.
- D. That sanitary facilities shall be separate for males and females, set at the rate of one for each 350 persons.

- E. That urinals (men's) and Sanistands (women's) or Porta Johns may be substituted for the required number of toilets, 24 inches of trough urinals in a men's room will be considered equivalent of one urinal or toilet.
- F. That required sanitary facilities will be conveniently accessible and well defined.
- G. That each toilet will have a continuous supply of toilet paper.
- H. That service buildings or rooms housing required plumbing fixtures will be constructed of easily cleanable, nonabsorbent materials. The buildings, service rooms, and required plumbing fixtures located therein will be maintained in good repair and in a clean and sanitary condition.
- I. That separate service buildings or rooms containing sanitary facilities, clearly marked, will be provided for each sex, and each toilet room will be provided with door to insure privacy or the entrance will be screened so that the interior is not visible from the outside.
- J. That wastewater will be discharged in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering.
- K. That disposal and/or treatment of any excretion or liquid waste will be in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering.

### SECTION 3.8 REFUSE DISPOSAL

- A. That refuse will be collected, stored, and transported in such a manner so as to protect odor, infestation of insects and/or rodents and any other nuisance condition, or conditions which are inconsistent with the health, safety, and welfare of the patrons of the mass outdoor gathering or the public.
- B. That refuse containers shall be readily accessible and that one (1) fifty (50) gallon refuse container or its equivalent should be provided for each one hundred (100) persons anticipated or that one (1) sixteen (16) cubic yard trash container should be provided for every five thousand (5,000) persons anticipated.
- C. That the area where motor vehicles are parked should have one (1) fifty (50) gallon refuse container or its equivalent for every twenty-five (25) such motor vehicles or one (1) sixteen (16) cubic yard trash container for every two thousand (2,000) motor vehicles.
- D. That all refuse will be collected from the assembly area at least twice for each twelve (12) hour period of the assembly, with a minimum of two (2) such collections per

gatherings exceeding six (6) hours, or more often if necessary, and disposed of at a lawful disposal site.

- E. That the grounds and immediate surrounding property will be cleared of refuse within twenty-four (24) hours following an assembly.

### SECTION 3.9 VERMIN CONTROL

That insect, rodents, and other vermin shall be controlled by proper sanitary practices, extermination, or other safe and effective control methods, where necessary, animal parasites and other disease-transmitting nuisances shall be controlled.

### SECTION 3.10 SAFETY

- A. That where an electrical system is installed, it will be installed and maintained in accordance with the provisions of the applicable State standards and regulations.
- B. That grounds, buildings, and related facilities will be maintained and used in a manner as to prevent fire and in accordance with the applicable local fire prevention regulations.
- C. That internal and external traffic and security control will meet requirements of the applicable State and local law enforcement agencies.
- D. That the Arundel Fire Department has been informed of the outdoor mass gathering, and that adequate fire prevention equipment is available.
- E. That adequate law enforcement officers will be on site to assist in crowd and traffic control. The number to be determined by the Selectmen after determination has been made as to the number of people and vehicles at the site.

### SECTION 3.11 MEDICAL

That a First Aid Building or tent with adequate medical supplies and personnel will be available. The Selectmen shall determine if, and how many, E.M.T. personnel and ambulances will be needed and the times.

### SECTION 3.12 SOUND

That reasonable precautions will be taken to insure that the sound of the assembly will not carry unreasonably beyond the boundaries of the area; the noise level at the perimeter of the site will not exceed 70 decibels on the A scale of a sound level meter, meeting specifications of the American National Standards Institute.

SECTION 3.13 PERMIT FEE

The permit fee shall be \$50.00 and shall accompany the application.

EXCEPTIONS: The fees specified in this ordinance shall be waived in regard to state authorized fairs, exhibitions and similar events held by agricultural societies and associations, Boy Scouts and Girl Scouts of America activities, military activities or to public school organizations.

**ARTICLE IV**

**BOND AND PUBLIC COSTS**

SECTION 4.1 BOND

The operator, prior to the issuance of the permit, shall furnish to the Selectmen a bond of a surety company qualified to do business in this State in such an amount as the Selectmen shall determine, but in no event less than \$5,000.00. Cash or negotiable securities or equivalent value to the amount determined by the Selectmen may be furnished in lieu of a bond. The bond or security shall guarantee compliance by the operator with the provisions of this ordinance.

SECTION 4.2 INSURANCE

That the operator will carry public liability insurance in at least the following amounts: \$300,000 Bodily Injury (per person); \$500,000 Bodily Injury (per occurrence); and \$100,000 Property Damage.

**ARTICLE V**

**PENALTIES**

SECTION 5.1 PENALTIES

Any person violating this ordinance shall be punished by a civil penalty of at least \$100.00 but not more than \$500.00. Each violation shall be considered a separate offense, and each day a violation is allowed to exist shall be considered a separate offense.

**ARTICLE VI**

**SEVERABILITY AND EFFECTIVE DATE  
AND PENALTY RECOVERY AND WAIVERS**

SECTION 6.1 SEVERABILITY

The invalidity of any provision of this ordinance shall not invalidate any other part thereof.

SECTION 6.2 EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption of the same by the Town of Arundel

SECTION 6.3 PENALTY RECOVERY

All penalties levied because of this ordinance shall be recoverable for the use of the Town of Arundel.

SECTION 6.4 WAIVERS

The Selectmen reserve the right to waive any or all sections of this ordinance.

YATES TOWNSHIP PLANNING COMMISSION  
Camping Ordinance Information Packet

Yates Township Police Power Ordinance 22-01

**YATES TOWNSHIP  
LAKE COUNTY, MICHIGAN  
(Ordinance No. 22-01)**

**Camping Trailers and Temporary Occupancy Ordinance**

At a rescheduled regular meeting of the Township Board for Yates Township held at the Township offices within the Township on July 28, 2022, at 5:00 p.m., the following Ordinance was offered for adoption by Township Board Member Jacqueline Patterson and was seconded by Township Board Member Barbara McGregory:

THE TOWNSHIP OF YATES (THE "TOWNSHIP") ORDAINS:

**SECTION 1: PURPOSE**

*The purpose and intent of this Ordinance is to ensure that the temporary occupancy of campers, recreational vehicles, camping trailers, tents and other temporary living quarters within the Township of Yates shall be used and conducted in a safe and clean manner that protects the public health and safety, ensures the safe and legal disposal of human waste and wastewater, restricts the use of non-standard electrical power sources and portable heating devices, protects surface and subsurface water quality, minimizes fire exposures and overcrowding, preserves property values and prohibits the creation and use of substandard permanent housing stock.*

**SECTION II: DEFINITIONS**

For the purpose of this Ordinance, the following definitions shall apply:

CAMPER: Means any of the following:

- A. Camping trailer.
- B. Motor home.
- C. Tent.



- D. Pop-up trailer.
- E. Park trailer.
- F. Recreational vehicle.
- G. Truck camper.
- H. A bus or van designed, used for camping or habitation.
- I. Any vehicle, portable apparatus, trailer or similar item used for camping or overnight sleeping or temporary occupancy.

CAMPGROUND: A lawful facility or improved area for camping or staying overnight with individual improved sites for campers, tents, trailers, and/or recreational vehicles, which is either open to the general public for a fee or is operated by a *bona fide* nonprofit organization, association, benevolent organization, church, or similar organization. Campgrounds must fully comply with the Yates Township Zoning Ordinance and state laws.

POP-UP TRAILER: A trailer or type of camper constructed with collapsible partial side walls that fold or retract for towing by another vehicle and unfold or unretract at the campsite to provide temporary living quarters for recreational, camping or travel use.

CAMPING TRAILER: A trailer equipped for temporary occupancy or a wheeled apparatus that can be pulled by a vehicle and is equipped for temporary occupancy or camping.

MOTOR HOME: A motor vehicle designed to provide temporary living quarters for recreational, camping or travel use that contains at least four of the following as permanently installed independent systems that meet the National Fire Protection Association standard for recreational vehicles:

- A. A cooking facility with an on-board fuel source or use with electricity.

- B. A potable water supply system that includes at least a sink, a faucet and a water tank with an exterior service supply connection.
- C. A toilet with exterior evacuation.
- D. A gas or electric refrigerator.
- E. A heating or air-conditioning system with an on-board power or fuel source separate from the vehicle engine.
- F. A 110-volt to 125-volt electric power supply.

PARK TRAILER OR PARK MODEL TRAILER: A structure or trailer not exceeding 400 square feet in area, and transported by and off loadable from a trailer designed with connections to site utilities necessary for the operation of installed fixtures and appliances. A "Park Trailer" is classified as a camper or recreational vehicle and not as a mobile home.

PERSON: Means a natural person, partnership, association, corporation, limited liability corporation, firm, and all other entities and bodies (corporate or public).

RECREATIONAL VEHICLE: "Recreational vehicle" means a vehicle that is either self-propelled or towed by a consumer-owned tow vehicle, is primarily designed to provide temporary living quarters for recreational, camping or travel use, complies with all applicable federal vehicle regulations and does not require special highway movement permits to legally use the highways. "Recreational vehicle" includes motor homes, campers, park trailers, camping vans, travel trailers, fifth-wheel trailers and folding camping trailers.

SEWAGE: Sewage shall mean all liquids and water waste from sinks, bathing, washing, and toilet facilities.

STRUCTURE: Anything constructed or erected (even if portable or temporary), the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on or in the ground, excluding sidewalks, field or garden walls, fences, flagpoles, driveways, and parking lots. All structures shall be subject to the Yates Township Zoning Ordinance and the building codes.

TEMPORARY HUMAN HABITATION: The occupation or inhabitation of a camper, camping trailer, motor home, tent, park trailer, recreation vehicle or other nonpermanent structure or item for a period of time not to exceed the limits set forth in this Ordinance.

TEMPORARY SHELTER: A physical temporary shelter having form and substance, including, but not limited to floor, walls, windows, doors and/or a roof, which is not permanently affixed to a foundation and whose supplies of potable water, sewage disposal and electrical current, among other utility services, are not permanently attached or incorporated into the design of the structure in accordance with applicable state or local codes.

TEMPORARY CAMPING VEHICLES: Shall mean a “Camper”, a “Camping Trailer”, a “Motor Home”, a “Recreational Vehicle”, a “Park Model Trailer”, or a bus, van, truck trailer, or other motor vehicle that has been converted to accommodate sleeping or living quarters. In order to be considered as a recreational vehicle and not as a structure, the vehicle or item must remain with its tires on the ground, and must be able to be registered with a state division of motor vehicles or similar agency, unless it is a park model located within a lawful private or public campground.

TOWNSHIP: Shall mean the Township of Yates.

TRUCK CAMPER: A portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a truck.

ZONING ADMINISTRATOR: The Yates Township Zoning Administrator.

### **SECTION III: OCCUPANCY AND USE LIMITATIONS; PERMITS**

#### **3.1 Storage of Temporary Camping Vehicles:**

Campers may be parked or stored outdoors when not in use on private property within the Township, provided that all of the following requirements are met:

1. Such campers are not used for living or sleeping purposes during the time they are being stored or parked on the property.
2. The stored or parked camper does not constitute a nuisance to the public or a fire hazard.
3. The parking or storage of the camper is in compliance with the Yates Township Zoning Ordinance.
4. Where practicable, the camper shall be stored inside a lawful building or outdoors on the property so as not to be seen from any private or public road when not being actively or lawfully used.
5. A camper shall not be parked or stored outdoors on a vacant lot or parcel (i.e. on a lot or parcel without a habitable house, dwelling or cottage thereon) for longer than 90 days during any calendar year.
6. All sewage shall be completely removed from the tanks or reservoirs if parked or stored for longer than 60 days and shall be lawfully disposed of off-site.

### 3.2 Limitations on Occupancy:

1. *Residential Properties:* Persons may occupy a camper located on a specific residential property for a period not to exceed seven (7) days in total within a calendar year without an annual Township permit and for up to an additional twenty-one (21) days in total within a calendar year with an annual Township permit, provided that all of the following requirements are met:

- a. The occupants are not charged a fee for use of the camper.
- b. If the property involved is within a platted subdivision of the Township (except for the plats of Idlewild Terrace No. 2, 4 and 6), there must be a permanent dwelling on the property and the persons occupying the permanent dwelling on the property must have granted prior permission to the camper occupants to use the dwelling's toilet and washing facilities.
- c. No more than three (3) campers are so occupied on the property during any calendar year.
- d. No camper shall be used for habitation, sleeping or being lived in for more than three (3) days per calendar month from December 15 through the following April 1.
- e. Camping can also occur on unplatted lots or parcels in the Township (and in the plats of Idlewild Terrace No. 2, 4 and 6) that are at least 10,000 square feet in size with a maximum density of 3 campers per acre.

2. *Cannot be used for a residence:* No campers shall be used as a permanent dwelling or for habitation except as expressly otherwise allowed pursuant to this Ordinance.

3. *No appurtenant structures:* No accessory structure, building or addition may be attached to, built over or added onto to a camper. Such prohibited items include, but are not limited to, roof-overs, storage sheds, additions, decks and concrete paths.

### 3.3 Special Events:

In order to accommodate family reunions, weddings, carnivals, community festivals, and other special events involving fewer than 125 attendees, the Township Board may grant permission for persons to exceed the use and density limitations of Section 3.2 of this Ordinance, subject to the following limitations:

1. *Maximum Duration:* No special event shall exceed a five day duration, nor shall a single parcel or lot host more than two (2) such special events during any calendar year.
2. *Sanitary Facilities:* Landowners shall provide adequate and fully operable sanitary facilities in the form of “Port-A Potties”, portable restrooms, and wash facilities to accommodate the projected demand as determined by the District #10 Health Department Code and the Yates Township Ordinance Enforcement Officer.
3. *Campground requirements.* Events must comply with all applicable State of Michigan campground and other regulations.
4. *Additional Conditions:* The Township Board may impose reasonable fees and conditions on any approval pursuant to this Section 3.3.

### 3.4 Vehicle Licensing and Code Requirements:

1. *Licenses:* All campers shall be maintained in reasonable repair and appearance and road-worthy condition at all times. All campers shall have all required current street, vehicle and other licenses.

2. *Retention of Wheels:* The wheels or similar devices for transportation of any camper shall not be removed except for repairs lasting no more than ten (10) days.

3.5 Temporary Shelters are Prohibited:

Temporary shelters (other than lawful campers) are prohibited.

3.6 Permits:

1. Prior to using or occupying any camper, the owner of the property involved shall annually apply for and receive an annual camping permit as provided in Subsection 3.2.1 of this Ordinance from the Township Zoning Administrator (or such other person as the Township Board may designate). Such Township permit shall at all times be displayed on the exterior of the camper.
2. The application for a camper permit shall be on a form prepared for and approved by the Township and shall include all of the following:
  - a. A copy of the camper owner's driver's license.
  - b. A copy of the vehicle registration for the camper.
  - c. Proof of the owner of the lot or parcel on which the camper will be used, including written authorization for the permit applicant to use the lot or parcel if the applicant is not the owner of the lot or parcel.
  - d. A legal description of the lot or parcel, including the subdivision lot numbers and/or a metes and bounds description, a physical address and a Permanent Parcel Number Tax ID.
  - e. Written authorization by the property owner or lessee allowing the Zoning Administrator to access the lot or parcel for inspections to ensure compliance with this Ordinance.

- f. Any other information as may be required by the Zoning Administrator.
3. At the time of applying for a camper permit, the applicant shall pay the permit fee as established from time-to-time by the Township Board.
4. Prior to issuing a camper permit, the Zoning Administrator shall have the option of inspecting the camper to determine whether it complies with applicable laws, rules and regulations including a provision for a working supply of potable water and sanitary waste storage.

### 3.7 Temporary Residences:

1. While a new house, dwelling or cottage is being built on a lot or parcel, the owner thereof may reside in a camper on that same lot or parcel so long as the owner obtains a temporary residence permit from the Zoning Administrator or such other official as is designated by the Township Board and the landowner has a valid building permit for that house, dwelling or cottage from the building department.
2. A temporary residence permit shall be valid for no longer than 12 consecutive months while the house, dwelling or cottage is actively being built. For good cause shown, the Zoning Administrator may extend a temporary residence permit for an additional six month time period.
3. The Zoning Administer may attach reasonable conditions to the approval of any temporary residence permit.
4. The Zoning Administrator can require that the owner of the parcel or lot involved sign a contract or agreement with the Township to provide for the eventual removal of the camper authorized by the temporary residence permit. The Zoning Administrator can also require that the owner of the parcel or lot involved post with the Township a letter of



credit, bond or monetary deposit in an amount and in a format that is acceptable to the Zoning Administrator at his/her discretion.

5. No temporary residence permit shall be issued unless the Zoning Administrator is satisfied that there will be a reasonable water supply and a reasonable and lawful method of disposing of septic waste.

### 3.8 Rentals are Prohibited:

No landowner shall rent, lease or allow for consideration any lot or parcel for the use of a camper unless pursuant to a lease of the entire parcel or lot for longer than one (1) year.

### 3.9 Compliance with Zoning Regulations:

The storage and use of all campers shall comply with all Yates Township zoning regulations.

## **SECTION IV: SEWAGE**

The occupancy of campers shall be subject to all of the following sanitary standards:

### 4.1 Camper Vehicle Holding Tanks:

No toilet, sink, shower or other plumbing fixture contained in a camper shall be used unless it is in good working condition and discharges into a holding tank built into the camper.

Holding tanks integral to the camper must be emptied regularly by discharging their contents into a lawful campground dumping station or other lawful dumping station or by delivering the contents to a wastewater hauler for lawful disposal.

### 4.2 Storage of Sewage in Auxiliary Containers:

Sewage and wastewater shall not be discharged into or stored in auxiliary buckets or containers external to a camper.

### 4.3 Illegal Sewage Discharge:

No sewage or wastewater from a camper shall be discharged into ground holes, pits or privies, onto the surface of the ground, or into surface waters (including wetlands, streams, or other bodies of water).

#### 4.4 Special Events Sanitation:

Sanitary facilities provided for special events approved by the Yates Township Board shall meet the standards of Subsection 3.3(2) of this Ordinance.

### **SECTION V: EXEMPTIONS**

The following uses are exempt from the occupancy and use requirements of this Ordinance:

5.1 Campgrounds: Any lawful camper located in a lawful public or private campground approved by the Township which complies with the Yates Township Zoning Ordinance and also complies with all State of Michigan campground and other regulations.

5.2 Backyard Tents and Tree Houses: Located on a residential lot and used primarily and sporadically for overnight accommodations by the occupants of the principal dwelling on the same lot. However, such items shall not be inhabited for overnight use more than 21 days per calendar year.

### **SECTION VI: VIOLATIONS AND PENALTIES**

6.1 A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or violates any permit issued pursuant to this Ordinance, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than

one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same owner or person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible.

6.2 Each day during which any violation continues shall be deemed a separate offense.

6.3 The prohibitions and penalties of this Ordinance shall apply not only to the landowner or owners and to any person, firm, entity, corporation or association who or which does anything prohibited by this Ordinance and those who aide and abet such acts, but also to any owner, co-owner, lessee, tenant, licensee, part-owner, occupant or person, firm, corporation, or entity owning or having control of any premises or property in violation of this Ordinance.

6.4 In addition to the above remedies, the Township or any person may institute a civil lawsuit to abate any violation of this Ordinance. Any violation of this Ordinance is a nuisance *per se*. The Township’s remedies are cumulative and not exclusive.

## **SECTION VII: SEVERABILITY**

Each portion of this Ordinance shall be deemed to be severable. Should any article, section, subsection, paragraph, subparagraph, sentence, or clause of this Ordinance ever be declared by a court of competent jurisdiction to be unconstitutional or invalid in whole or in part, that holding

shall not affect the validity of this Ordinance, other than that part declared to be unconstitutional or invalid.

**SECTION VIII: EFFECTIVE DATE**

This Ordinance shall become effective upon the expiration of thirty (30) days after this Ordinance or a summary thereof appears in the newspaper as provided by law.

The vote to adopt this Ordinance was as follows:

YEAS: Marilyn Burns, Barbara McGregory, Jacqueline Patterson, Charles Atkins, Shawn Coffey

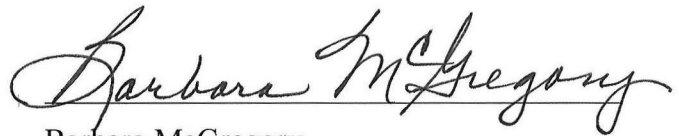
NAYS: - none -

ABSENT/ABSTAIN: - none -

THIS ORDINANCE IS DECLARED TO BE DULY ADOPTED.

**CERTIFICATION**

I hereby certify the above is a true copy of the Ordinance adopted by the Township Board for Yates Township as of the date, time and place as specified above, pursuant to the required statutory procedures.



Barbara McGregory  
Yates Township Clerk

YATES TOWNSHIP PLANNING COMMISSION  
Camping Ordinance Information Packet

Summaries from public input sessions

# YATES TOWNSHIP CAMPING NEEDS



## RUSTIC CAMPING

- Tents

- RESTRAINTS:
- Time (e.g. Length of Stay)
  - Location (e.g. Not on Primary Roads)
  - Determine Use of Facilities (e.g. Bathrooms)



## COMMERCIAL CAMPGROUND

- Residential Youth Camp
- Residential Campground

- RESTRAINTS:
- Parking
  - Utilities
  - Size
  - Infrastructure
  - Number of Guests (e.g. Ratio — capacity based on size of land)



## SPECIAL EVENT

- Glamping
- Festival

- RESTRAINTS: See General Restraints



## MULTI-FACETED CAMPGROUND

- Temporary Dwellings

- RESTRAINTS: See General Restraints



## NON-RUSTIC CAMPING

- Cabins with Facilities

- RESTRAINTS:
- Possible Equipment that Damages Community
  - Activities SUPs, ATVs, etc.

## PRIVATE PROPERTY RUSTIC CAMPING

- RESTRAINTS: See General Restraints



## ACCESSORY CAMPING AT RESIDENCE

- RESTRAINTS:
- No Permit Required if Property is Owned
  - Allow RVs on Lots Year-Round
  - Different Rules for the Acreage vs. Idlewild



## SPECIAL USE ON PRIVATE PROPERTY

- Weddings
- Reunions

- RESTRAINTS:
- Light Pollution
  - Noise Pollution
  - Approval from Adjacent Property Owner



## PRIVATE CAMPING WITH SLAB, WATER, AND SEWAGE

- Tiny Homes

- RESTRAINTS: See General Restraints



## RV PARK AND TOWABLE TRAILERS

- RESTRAINTS: See General Restraints



## GENERAL RE/CONSTRAINTS



### ROAD TYPES

Limitations based on paved versus unpaved roads.



### LANDSCAPE

Greenbelts, waterbodies, etc. might provide restrictions.



### UTILITIES

Electricity, sewage, etc. should be accessible for certain amenities.



### PRESENTATION TO PUBLIC

Restrictions should prevent unfavorable property appearances.



### COMMUNITY PRESERVATION

Practices such as proper trash disposal will help protect and preserve.



### FACILITIES

Limited facilities prevent the use of certain amenities.

YATES TOWNSHIP PLANNING COMMISSION  
June 29, 2023 Camping Ordinance Information Session

Summary of Input

Vice-chair and facilitator Kurt Johnson explained the infographic summarizing past input.

Secretary Evans reviewed COIP for all participants.

The charge was given to focus on “where” camping can be.

There are approximately 12 people in the room and another 12 people on zoom. The people on zoom will work as a group and use the chat for notes. The people in the room break into smaller groups for discussion.

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Results from group discussions

Restrict camping around the lake because of the congestion that it brings to an already crowded area. It would change the peaceful and tranquil environment.

Restrict camping in all of the platted areas.

Should have lot size restriction camping. Some suggested 4+ lots minimum in platted areas.

Considerations should be made for the conservation and purity of the Pere Marquette and other waterways by restricting camping.

People who have a home should be allowed to engage in temporary camping set up on their own property on a time-limited, seasonal basis. Storage of a RV should be allowed on personal property, but only when there is a home on the property. This will keep Yates from looking like a campground area. Look at visual shielding.

Homes that allow guest camping must be in livable condition.

Camping in agricultural zones is a major concern for residents and infrastructure.

Need a noise ordinance along with camping ordinance.

All camping not as a guest at a house or on a campground should require a permit for any duration to regulate campers.

Suggestion that rustic camping isn't appropriate for Yates in general due to health and water safety.

Commercial campgrounds restricted to primary/paved roads, perhaps near national forest or trail attractions. Not surrounded by heavily populated area with room. On sewer or with room for proper septic.

No rustic camping in the platted areas. No commercial campgrounds in platted areas. Special use on private property in the acreage with the noted constraints but not in the higher density platted areas. Perhaps a limit on the number of sites allowed. In the acreage regulate to 4 or less unless state permit is issued.

Rustic camping in Idlewild on private property with a home only. Rustic camping in the acreage with proper waste disposal for 14 days only.

Special events 2-7 days allowed in Idlewild with proper paperwork. Temporary dwellings in acreage only at least 100' off the road for up to 14 days using dumping station for their waste.

Commercial campgrounds in the acreage only on improved roads with landscape buffers and utilities. Will look at a commercial campground on 18 mile off of M37 for ideas.